Vol. LIX—No. 1.

# Assembly Proceedings

## Official Report

# Bengal Legislative Assembly

## Tenth Session, 1941

**The 3rd, 4th, 6th, 10th, 11th, 12th, 13th and 14th February, 1941.**

Superintendent, Government Printing
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## GOVERNMENT OF BENGAL.

## PRINCIPAL OFFICERS OF THE BENGAL LEGISLATIVE ASSEMBLY.

**SPEAKER.**

The Hon'ble Sir MUHAMMAD AZIZUL HAQUE, C.I.E., **Khan Bahadur.**

**DEPUTY SPEAKER.**

M. ASHRAFALI, Esq., Barrister-at-law.

**SECRETARY.**

K. ALI AFZAL, Esq., Barrister-at-law.

**FIRST ASSISTANT SECRETARY.**

**Rai N. N. SEN GUPTA Bahadur.**

**SECOND ASSISTANT SECRETARY.**

**Khan Sahib QUAZI MUHAMMAD SADRUL OLA.**

**REGISTRAR.**

**A. B. CHATARJI, Esq.**

# BENGAL LEGISLATIVE ASSEMBLY

## ALPHABETICAL LIST OF MEMBERS.

### A

Abdul Aziz, Maulana Md. [Narayanganj East (Muhammadan).]

Abdul Hafiz, Mr. Mirza. [Tangail West (Muhammadan).]

Abdul Hafiz Mia, Mr. [Kurigram South (Muhammadan).]

Abdul Hakeem, Mr. [Khulna (Muhammadan).]

Abdul Hakim, Maulvi. [Mymensingh West (Muhammadan).]

Abdul Hakim Vikrampuri, Maulvi Md. [Munshiganj (Muhammadan).]

Abdul Hamid, Mr. A. M. [Pabna West (Muhammadan).]

Abdul Hamid Shah, Maulvi. [Kishoreganj North (Muhammadan).]

Abdul Jabbar, Maulvi. [Dinajpur Central East (Muhammadan).]

Abdul Jabbar Palwan, Mr. Md. [Jamalpur North (Muhammadan).]

Abdul Kader, Mr. [Patuakhali South (Muhammadan).]

Abdul Karim, Mr. [Jamalpur *cum* Muktagacha (Muhammadan).]

Abdul Latif Biswas, Maulvi. [Manikganj West (Muhammadan).]

Abdul Majid, Maulvi. [Mymensingh North (Muhammadan).]

Abdul Majid, Mr. Syed. [Noakhali South (Muhammadan).]

Abdul Motaleb Malik, Dr. [Nadia East (Muhammadan).]

Abdul Wahab Khan, Mr. [Bakarganj West (Muhammadan).]

Abdul Wahed, Maulvi. [Mymensingh East (Muhammadan).]

Abdulla-Al Mahmood, Mr. [Serajganj North (Muhammadan).]

Abdur Rahman, Khan Bahadur, A. F. M. [24-Parganas North-East (Muhammadan).]

Abdur Rahman Siddiqi, Mr. (Muslim Chamber of Commerce.)

Abdur Rasheed, Maulvi Md. [Birbhum (Muhammadan).]

Abdur Raschid Mahmood, Mr. [Serajganj North (Muhammadan).]

Abdur Rauf, Khan Bahadur Maulvi S. [Howrah (Muhammadan).]

Abdur Rauf, Khan Bahadur Shah. [Rangpur South (Muhammadan).]

Abdur Razzak, Maulvi. [Feni (Muhammadan).]

Abdus Shaheed, Maulvi Md. [Dacca North Central (Muhammadan).]

**Abidur Reza Chowdhury, Khan Bahadur Maulvi.** [Chandpur West (Muhammadan).]

**Abu Hossain Sarkar, Maulvi.** [Gaibandha North (Muhammadan).]

**Abul Fazl, Mr. Muhammad** [Madaripur West (Muhammadan).]

**Abul Hashim, Maulvi.** [Burdwan (Muhammadan).]

**Abul Hosain Ahmed, Mr.** [Netrokona North (Muhammadan).]

**Abul Quasem, Maulvi.** [Hooghly (Muhammadan).]

**Acharyya Choudhury, Maharaja Sashi Kanta, of Muktagacha, Mymensingh.** (Dacca Landholders.)

**Aftab Ali, Mr.** (Water Transport Trade Union.)

**Ahmed Ali Enayetpuri, Khan Bahadur Maulana.** [Jhenidah (Muhammadan).]

**Ahmed Ali Mridha, Maulvi.** [Goalundo (Muhammadan).]

**Ahmed Hosain, Mr.** [Gaibandha South (Muhammadan).]

**Ahmed Khan, Mr. Syed.** [Noakhali South (Muhammadan.)]

**Alfazuddin Ahmed, Khan Bahadur Maulvi.** [Midnapore (Muhammadan).]

**Aminullah, Khan Sahib Maulvi.** [Noakhali Central (Muhammadan).]

**Amir Ali Mia, Maulvi Md.** [Rajshahi South (Muhammadan).]

**Anwarul Azim, Khan Bahadur Md.** [Chittagong South (Muhammadan).]

**Ashraf Ali, Mr. M.** [Nator (Muhammadan).]

**Asimuddin Ahmed, Mr.** [Tippera Central (Muhammadan).]

**Aulad Hossain Khan, Khan Bahadur Maulvi.** [Manikganj East (Muhammadan).]

**Azhar Ali, Maulvi.** [Pabna East (Muhammadan).]

**Azizul Haque, the Hon'ble Sir Muhammad, C.I.E., Khan Bahadur.** [Nadia West (Muhammadan).]

B

**Badrudduja, Mr. Syed.** [Berhampore (Muhammadan.)]

**Banerjee, Dr. Suresh Chandra.** [Calcutta and Suburbs (Registered Factories).]

**Banerji, Mr. P.** [24-Parganas North-West (General).]

**Banerjee, Mr. Pramatha Nath.** [Burdwan North-West (General).]

**Banerjee, Mr. Sibnath.** [Howrah (Registered Factories).]

**Banerji, Mr. Satya Priya.** [Rajshahi (General).]

Basat Ali, Mr. Mohammad. [Serajganj Central (Muhammadan).]
Barma, Babu Premhari. [Dinajpur (General).]
Barma, Mr. Puspajit. [Rangpur (General).]
Barman, Babu Shyama Prosad. [Dinajpur (General).]
Barman, Babu Upendra Nath. [Jalpaiguri *cum* Siliguri (General).]
Basu, Mr. Jatindra Nath. [Calcutta North (General).]
Basu, Mr. Santosh Kumar. [Calcutta East (General).]
Bell-Hart, Miss P. B. (Anglo-Indian Constituency.)
Bhowmik, Dr. Gobinda Chandra. [Midnapore East (General).]
Birkmyre, Sir Henry, Bart. [Hooghly *cum* Howrah (European).]
Biswas, Babu Lakshmi Narayan. [Nadia (General).]
Biswas, Mr. Rasik Lal. [Jessore (General).]
Biswas, Mr. Surendra Nath. [Faridpur (General).]
Bose, Mr. Sarat Chandra. [Calcutta South (General).]

## C

Chakrabarty, Mr. Jatindra Nath. [Rangpur (General).]
Chakrabarty, Babu Narendra Narayan. [Bogra *cum* Pabna (General).]
Chattopadhyay, Mr. Haripada. [Nadia (General).]
Chaudhuri, Rai Harendra Nath. [24-Parganas Municipal (General).]
Chippendale, Mr. J. W. (Anglo-Indian.)
Clark, Mr. I. A. [Burdwan Division (European).]

## D

Das, Babu Radha Nath. [Hooghly North-East (General).]
Das, Mr. Anukul Chandra. [24-Parganas North-West (General).]
Das, Rai Sahib Kirit Bhusan. [Murshidabad (General).]
Das, Mr. Monomohan. [Mymensingh East (General).]
Dass, Babu Debendra Nath. [Birbhum (General).]
Das Gupta, Mr. Khagendra Nath. [Jalpaiguri *cum* Siliguri (General).]

Das Gupta, Dr. J. M. [Calcutta Central (General).]

Das Gupta, Srijut Narendra Nath. [Bakarganj South-West (General).]

Datta, Mr. Dhirendra Nath. [Tippera (General).]

Dolui, Mr. Harendra Nath. [Jhargram *cum* Ghatal (General).]

Dutt, Mr. Sukumar. [Hooghly South-West (General).]

Dutta Gupta, Miss Mira. [Calcutta General (Women).]

Dutta Mazumdar, Mr. Niharendu. [Barrackpore (Registered Factories).]

E

Edbar, Mr. Upendranath. [Bakarganj South-West (General).]

Emdadul Haque, Kazi. [Kurigram North (Muhammadan).]

F

Farhad Raza Chowdhury, Mr. M. [Jangipur (Muhammadan).]

Farhat Bano Khanam, Begum. [Dacca (Muhammadan) Women.]

Fazlul Huq, the Hon'ble Mr. A. K. [Patuakhali North (Muhammadan).]

Fazlul Qadir, Khan Bahadur Maulvi. [Chittagong North-West (Muhammadan).]

Fazlur Rahman, Mr. [Jamalpur East (Muhammadan).]

Fazlur Rahman, Mr. (Dacca University.)

G

Ganguly, Mr. Pratul Chandra. [East Bengal Municipal (General).]

Ghose, Mr. Atul Krishna. [Jessore (General).]

Giasuddin Ahmed, Mr. [Jamalpur West (Muhammadan).]

Gladding, Mr. D. [Bengal Chamber of Commerce.]

Golam Sarwar Hosaini, Mr. Shah Syed. [Ramganj *cum* Kaipur (Muhammadan).]

Gomes, Mr. S. A. [Dacca Division (Indian Christian).]

Goswami, Mr. Tulsi Chandra. [Burdwan Division North Municipal (General).]

Griffiths, Mr. C. (Anglo-Indian.)

Gupta, Mr. Jogesh Chandra. [Calcutta South Central (General).]

Gupta, Mr. J. N. [Railway Trade Union (Labour).]

Gurung, Mr. Damber Singh. [Darjeeling (General).]

Gyasuddin Ahmed Choudhury, Al-Hadj. [Madaripur East (Muhammadan).]

## H

Habibullah, the Hon'ble Nawab Bahadur K., of Dacca. [Dacca Municipal (Muhammadan).]

Haddow, Mr. R. R. [Calcutta and Suburbs (European).]

Hafizuddin Choudhuri, Maulvi. [Thakurgaon (Muhammadan).]

Hamiduddin Ahmad, Khan Sahib. [Kishoreganj East (Muhammadan).]

Hamilton, Mr. K. A. (Calcutta Trades Association.)

Hasan Ali Chowdhury, Mr. Syed. [Tangail North (Muhammadan).]

Hasanuzzaman, Maulvi Md. [Tippera South (Muhammadan).]

Hashem Ali Khan, Khan Bahadur Maulvi. [Bakarganj North (Muhammadan).]

Hasina Murshed, M.B.E., Mrs. [Calcutta (Muhammadan) Women.]

Hatemally Jamadar, Khan Sahib Maulvi. [Pirojpur South (Muhammadan).]

Hawkings, Mr. R. J. [Calcutta and Suburbs (European).]

Haywood, Mr. Rogers. (Bengal Chamber of Commerce.)

Hendry, Mr. David. (Bengal Chamber of Commerce.)

Hirtzel, Mr. M. A. F. (Bengal Chamber of Commerce.)

## I

Idris Ahmed Mia, Mr. [Malda South (Muhammadan).]

Ispahani, Mr. M. A. H., M.B.E. [Calcutta South (Muhammadan).]

## J

Jaialuddin Ahmad, Khan Bahadur Maulvi. [Cox's Bazar (Muhammadan).]

Jalaluddin Hashemy, Mr. Syed. [Satkhira (Muhammadan).]

Jalan, Mr. I. D. [Calcutta West (General).]

Jasimuddin Ahmed, Khan Sahib Maulvi. [24-Parganas South (Muhammadan).]

Jonab Ali Majumdar, Maulvi. [Chandpur East (Muhammadan).]

## K

Kabiruddin Khan, Khan Bahadur Maulvi. [Netrokona South (Muhammadan).]

Kazem Ali Mirza, Sahibzada Kawan Jah Syed. [Murshidabad South-West (Muhammadan).]

Kennedy, Mr. I. G. (Indian Jute Mills Association.)

Khaitan, Mr. Debi Prosad. (Indian Chamber of Commerce.)

Khan, Mr. Debendra Lall. [Midnapore Central (General).]

Kumar, Mr. Atul Chandra. [Malda (General).]

Kundu, Mr. Nishitha Nath. [Dinajpur (General).]

## M

MacGregor, Mr. G. G. (Indian Tea Association.)

Mafizuddin Ahmed, Dr. [Bogra North (Muhammadan).]

Mafizuddin Ahmed, Maulvi. [Tippera North (Muhammadan).]

Mafizuddin Choudhury, Maulvi. [Balurghat (Muhammadan).]

Maguire, Mr. L. T. (Anglo-Indian.)

Mahatab, Maharajkumar Uday Chand. [Burdwan Central (General).]

Mahtabuddin Ahmed, Khan Bahadur Maulvi. [Dinajpur Central West (Muhammadan).]

Maiti, Mr. Nikunja Behari. [Midnapore South-East (General).]

Maji, Mr. Adwaita Kumar. [Burdwan Central (General).]

Majumdar, Babu Jnanendra Chandra. [Mymensingh, East Rural (General).]

Majumdar, Mrs. Hemaprova. [Dacca (General) Women.]

Mal, Mr. Iswar Chandra. [Midnapore South-West (General).]

Mandal, Mr. Amrita Lal. [Mymensingh West (General).]

Mandal, Mr. Banku Behari. [Burdwan North-West (General).]

Mandal, Mr. Birat Chandra. [Faridpur (General).]

Mandal, Mr. Jagat Chandra. [Tippera (General).]

Mandal, Mr. Jogendra Nath. [Bakarganj North-East (General).]

Mandal, Mr. Krishna Prasad. [Midnapore Central (General).]

Maniruddin Akhand, Maulvi. [Rajshahi North (Muhammadan).]

Maniruzzaman Islamabadi, Maulana Md. [Chittagong South Central (Muhammadan).]

Maqbul Hosain, Mr. [Tippera North-East (Muhammadan).]

Masud Ali Khan Panni, Maulvi. [Tangail South (Muhammadan).]

Miles, Mr. C. W. (Indian Tea Association.)

Millar, Mr. C. [Calcutta and Suburbs (European).]

Mohammed Ali, Khan Bahadur. [Bogra West (Muhammadan).]

Mohsin Ali, Mr. Md. [Meherpur (Muhammadan).]

Mookerjee, Dr. Syamaprasad. (Calcutta University.)

Morgan, Mr. G., C.I.E. [Presidency Division (European).]

Moslem Ali Mollah, Maulvi. [Rajshahi Central (Muhammadan).]

Mozammel Huq, Maulvi Md. [Bhola North (Muhammadan).]

Muhammad Afzal, Khan Bahadur Maulvi Syed. [Pirojpur North (Muhammadan).]

Muhammad Ibrahim, Maulvi. [Noakhali North (Muhammadan).]

Muhammad Ishaque, Maulvi. [Bogra South (Muhammadan).]

Muhammad Israil, Maulvi. [Kishoreganj South (Muhammadan).]

Muhammad Siddique, Khan Bahadur Dr. Syed. [Bankura (Muhammadan).]

Muhammad Solaiman, Khan Bahadur Maulvi. [Barrackpore Municipal (Muhammadan).]

Mukherjea, Mr. Taraknath, M.B.E. [Burdwan Landholders' Constituency.]

Mukerji, Mr. Dhirendra Narayan. (Hooghly North-East.)

Mukherjee, Mr. B. [Colliery (Coal Mines) (Labour).]

Mukherji, Dr. H. C. [Calcutta *cum* Presidency Division (Indian Christian).]

Mukherji, Dr. Sharat Chandra. [Birbhum (General).]

Mullick, the Hon'ble Mr. Mukunda Behari. [Khulna (General).]

Mullick, Mr. Pulin Behary. [Howrah (General).]

Mullick, Srijut Ashutosh. [Bankura West (General).]

Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur. [Jalpaiguri *cum* Darjeeling (Muhammadan).]

Mustagawsal Haque, Mr. Syed. [Bagerhat (Muhammadan).]

Mustafa Ali Dewan, Maulvi. [Brahmanbaria North (Muhammadan).]

## N

Nandy, the Hon'ble Maharaja Srischandra, of Cossimbazar. (Presidency Landholders.)

Nasarullah, Nawabzada K., Parliamentary Secretary. [Brahmanbaria South (Muhammadan).]

Nasker, Mr. Hem Chandra. [24-Parganas South-East (General).]

Nausher Ali, Mr. Syed. [Jessore Sadar (Muhammadan).]

Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E. [Calcutta North (Muhammadan).]

Nooruddin, Mr. K. [Hooghly *cum* Howrah Municipal (Muhammadan).]

Norton, Mr. H. R. (Calcutta Trades Association.)

## P

Pain, Mr. Barada Prosanna. [Hooghly *cum* Howrah Municipal (General).]

Patton, Mr. W. C. [Darjeeling (European).]

Paul, Sir Hari Sankar. (Bengal National Chamber of Commerce.)

Pramanik, Mr. Tarinicharan. [Malda (General).]

## R

Rahman, Khan Bahadur A. M. L. [Rajshahi Central (Muhammadan).]

Raikut, the Hon'ble Mr. Prasanna Deb. [Jalpaiguri *cum* Siliguri (General).]

Rajibuddin Tarafdar, Maulvi. [Bogra East (Muhammadan).]

Ramizuddin Ahmed, Mr. [Tippera West (Muhammadan).]

Rasaur Rahman Khan, Mr. [Dacca South Central (Muhammadan).]

Roy, Mr. Patiram. [Khulna (General).]

Roy, Kumar Shib Shekhareswar. (Rajshahi Landholders.)

Roy, Mr. Charu Chandra. [Mymensingh West (General).]

Roy, Mr. Dhananjoy. [Dacca East (General).]

Roy, Mr. Kamalkrishna. [Bankura East (General).]

Roy, Mr. Kiran Sankar. [Dacca West (General).]

Roy, Mr. Kishori Pati. [Jhargram *cum* Ghatal (General).]

Roy, Rai Bahadur Kshirod Chandra. (Chittagong Landholders.)

Roy, Mr. Manmatha Nath. [Howrah (General).]

S

Sadaruddin Ahmed, Mr. [Bakarganj South (Muhammadan).]

Safiruddin Ahmed, Haji. [Rangpur North (Muhammadan).]

Sahabe Alum, Mr. Syed. [Dacca Central (Muhammadan).]

Salim, Mr. S. A. [Narayanganj North (Muhammadan).]

Sanaullah, Dr. [Chittagong North-East (Muhammadan).]

Sanyal, Dr. Nalinaksha. [Presidency Division Municipal (General).]

Sanyal, Mr. Sasanka Sekhar. [Murshidabad (General).]

Sarker, Babu Madhusudan. [Bogra *cum* Pabna (General).]

Sarker, Mr. Nalini Ranjan. (Bengal National Chamber of Commerce.)

Sassoon, Mr. R. M. (Bengal Chamber of Commerce.)

Sen, Mr. Atul Chandra. [Dacca East (General).]

Sen, Babu Nagendra Nath. [Khulna (General).]

Sen, Rai Bahadur Jogesh Chandra. [24-Parganas South-East (General).]

Sen Gupta, Mrs. Nellie. [Chittagong (General).]

Serajul Islam, Mr. [Bongaon (Muhammadan).]

Shahabuddin, Mr. Khwaja, C.B.E., Parliamentary Secretary. [Narayanganj South (Muhammadan).]

Shahedali, Mr. [Matlabbazar (Muhammadan).]

Shamsuddin Ahmed, Mr. M. [Kusthia (Muhammadan).]

Shamsuddin Ahmed Khandkar, Mr. [Gopalganj (Muhammadan).]

Shamsul Huda, Maulana. [Mymensingh South (Muhammadan).]

Sinclair, Mr. J. F. [Chittagong Division (European).]

Singha, Babu Kshetra Nath. [Rangpur (General).]

Sinha, Srijut Manindra Bhusan. [Bankura West (General).]

Sirdar, Babu Litta Munda. [Bengal Dooars (Western) Tea Garden Labour.]

Smith, Mr. H. Brabant. [Rajshahi Division (European).]

Speller, Mr. J. H. [Calcutta and Suburbs (European).]

Steven, Mr. J. W. R. [Dacca (European).]

Suhrawardy, the Hon'ble Mr. H. S. [24-Parganas Municipal (Muhammadan).]

Sur, Mr. Harendra Kumar. [Noakhali (General).]

T

Tamizuddin Khan, the Hon'ble Mr. [Faridpur West (Muhammadan).]
Tapuriah, Rai Bahadur Moongtu Lall. (Marwari Association.)
Thakur, Mr. Promatha Ranjan. [Faridpur (General).]
Tofel Ahmed Choudhury, Maulvi Haji. [Bhola South (Muhammadan).]

W

Waliur Rahman, Maulvi. [Jessore East (Muhammadan).]
Walker, Mr. J. R. (Bengal Chamber of Commerce.)
Walker, Mr. W. A. M. (Indian Jute Mills Association.)
Whitehead, Mr. R. B. (Indian Mining Association.)
Wordsworth, Mr. W. C. (Bengal Chamber of Commerce.)

Y

Yusuf Ali Choudhury, Mr. [Faridpur East (Muhammadan).]
Yusuf Mirza. [24-Parganas Central (Muhammadan).]

Z

Zahur Ahmed Choudhury, Maulvi. [Malda North (Muhammadan).]
Zaman, Mr. A. M. A. [Hooghly *cum* Serampore (Registered Factories) Labour.]

# THE BENGAL LEGISLATIVE ASSEMBLY PROCEEDINGS

**(Official Report of the Tenth Session.)**

**Volume LIX—No. 1.**

## Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Monday, the 3rd February, 1941, at 4-15 p.m.

### Present:

Mr. Speaker (the Hon'ble Sir MUHAMMAD AZIZUL HAQUE, Khan Bahadur, C.I.E.) in the Chair, 9 Hon'ble Ministers and 186 members.

### Oath.

Mr. J. H. Speller took his oath of allegiance to the Crown.

### Felicitations.

**The Hon'ble Mr. A. K. FAZLUL HUQ:** Ladies and gentlemen, before we proceed with the business before the House, may I have your leave to offer on your behalf our sincerest felicitations to our Speaker on the honour that has been conferred upon him by His Majesty the King-Emperor. I think I voice the feelings of all the sections of the House when I say that we look upon this as an honour done to this House. I noticed the other day a newspaper editor congratulating our Speaker on this honour remarked that Sir Azizul Haque was one of Bengal's men of destiny. I cannot agree with that opinion. I have known Sir Azizul Haque continuously and most intimately since 1912, and I can truly say that I have always looked upon him not as a man of destiny but as a man destined to achieve some of the highest honours in his life. As a Speaker, Sir Azizul Haque has achieved name and fame which is not even equalled by any Speaker in any province in India. He has been tactful, and although at times

it may have seemed to the Coalition Party that our Speaker has been somewhat lenient to the Opposition, I may truly say that his rulings have always been guided by an adherence to principle and his sincere desire not merely to uphold the dignity of the House, but to preserve that equanimity of atmosphere in which the proceedings of a House like this should always be conducted. Sir Azizul Haque is comparatively young in years. We hope that he will live long to achieve still higher honours and that many of us will in course of time have occasion to work with him, if not as a member of this House, but in other capacities and in other spheres of activities. I once again convey to him our respectful felicitations and our sincere wishes for his long life and prosperity.

**Mr. TULSI CHANDRA GOSWAMI:** Mr. Speaker, in the unavoidable absence of the Leader of the Opposition and the Deputy Leader, it falls to me to acquire the privilege of offering you our sincerest felicitations on the honour that has been done to you. Sir, you know that we who have belonged to the Congress do not always attach the same kind of significance to honours conferred by the Government of India or for the matter of that by the Government of Great Britain. At the same time, it is our proud privilege to record this fact as has been stated by the Hon'ble Chief Minister that we have always received at your hands the kindest and the most considerate attention, and, therefore, Sir, when I take the liberty of diverting from our practice of not congratulating any one on honours conferred by alien authorities, I at any rate recognise, and I hope those behind me recognise, that your services to this House have been of a unique character. We have respect for you. Let our respect be recorded in the form of a congratulatory message, and I hope you will take our congratulations in the spirit in which they are offered to you.

**Mr. SPEAKER:** Mr. Chief Minister, it is difficult on an occasion like this for me to speak anything in reply to the very kind felicitations which you and Mr. Goswami have addressed to me. I consider myself as a humble servant of this House, and while serving in this House I have always felt that there is the map of India in which this province looms large. I feel it is the duty and function of all of us to work in such a way that when we shall be called upon to explain our conduct in future days, we shall be able to say that we have done our best in all sincerity and honesty of conviction. It is not possible for me to say anything more at this stage beyond saying how deeply I feel your kind felicitations. I can assure you and every section of the House, that the interests of the House are always uppermost in my mind and I have done, and I hope to do, my duties in the firm conviction that every act of ours is making history of the future.

**Obituary**

**Mr. SPEAKER:** Ladies and gentlemen, before the proceedings commence, it is my melancholy duty to refer to the death of Mr. F. H. French, a past member of the Bengal Legislative Assembly, and Khan Bahadur Mahtabuddin Ahmed, a sitting member of this Assembly, and in that connection also to refer to the death of one not directly connected with this House, but one who was greatly responsible in giving shape to this House and to the electorates outside, I mean the Marquess of Lothian.

Mr. French was a member of the Bengal Legislative Assembly from 20th April, 1939, to 20th November, 1940, representing the Bengal Chamber of Commerce constituency.

Khan Bahadur Mahtabuddin Ahmed was elected a member of the Assembly since the inauguration of the Reforms, and you know very well how helpful his advices were.

The services of Lord Lothian who was an Ambassador in America are now records in history. To me his death has been a great personal shock, for the fact that I was his colleague in the Franchise Committee, and I do remember the words which often fell from his lips testifying to the faith which he had in the future of this country. His death at this juncture is a great loss to this country and to the Empire, and the death of the other members is a great loss to this House.

I hope, ladies and gentlemen, you will kindly rise in your seats as a mark of respect and sorrow.

(All the members in the House rose in their seats.)

Thank you, ladies and gentlemen.

**Panel of Chairmen.**

**Mr. SPEAKER:** In accordance with the provisions of the Bengal Legislative Assembly Procedure Rules, I nominate the following members of the Assembly to form a Panel of Chairmen for the ensuing session :—

(1) Mr. Sarat Chandra Bose.

(2) Mr. W. A. M. Walker,

(3) Mr. Shamsuddin Ahmed, and

(4) Mr. Fazlur Rahman, of Dacca.

Unless otherwise arranged, the senior member among them present in the above order will preside over the deliberations of this Assembly in my absence and in the absence of the Deputy Speaker.

We will now take up the questions.

## STARRED QUESTIONS

### (to which oral answers were given)

### Jute Restriction Scheme.

*1. **Dr. SURESH CHANDRA BANERJEE:** (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state whether it is a fact that the Governments of Bihar and Assam have refused to co-operate with the Government of Bengal in its Jute Restriction Scheme?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what further step the Government propose to take in the matter?

**The Hon'ble Mr. H. S. SUHRAWARDY (on behalf of the Hon'ble Mr. Tamizuddin Khan, Minister in charge of the Agriculture and Industries Department):** (*a*) No. The Governments of Assam and Bihar have pointed out that they are not in a position to enforce regulation of the 1941 crop by the same methods as is being adopted in Bengal. Besides the lack of suitable legislation, there are other difficulties which make it impracticable for them to control the 1941 crop in the same way as Bengal is doing. The Government of Bihar have assured this Government that they will take steps to prevent any increase of acreage in Bihar this year. The Government of Assam have asked for certain financial assistance to enable them to regulate the 1942 crop by the methods employed in Bengal and an agreement with this Government is at present under their consideration.

I am quite sure that both these Governments will do all they can to co-operate with us at least to the extent of discouraging any increase in the acreage under jute in their provinces this year.

(*b*) Does not arise.

**Mr. SYED JALALUDDIN HASHEMY:** Will the Hon'ble Minister be pleased to state if it is a fact that both the Governments of Bihar and Assam have not agreed to decrease the acreage under any circumstances?

**The Hon'ble Mr. H. S. SUHRAWARDY:** No, Sir; that is not a fact.

**Maulvi ABU HOSSAIN SARKAR:** Will the Hon'ble Minister be pleased to state whether in the State of Cooch Behar this year a larger amount of jute is being grown than in previous years?

**Mr. SPEAKER:** Does Cooch Behar belong to Bihar or Assam? The question does not arise.

**Mr. SYED JALALUDDIN HASHEMY:** Will the Hon'ble Minister be pleased to state whether it is a fact that the Government of Bengal have agreed to render financial assistance to the Government of Assam for not increasing the acreage of their jute cultivation?

**The Hon'ble Mr. H. S. SUHRAWARDY:** Yes, Sir, we have, and the honourable member will see in the last part of (*a*) of my reply that an agreement with the Government of Assam is under the consideration of this Government.

**Mr. NIHARENDU DUTTA MAZUMDAR:** Will the Hon'ble Minister be pleased to state what is the nature of the agreement which at the present moment is under consideration between this Government and the Government of Assam?

**The Hon'ble Mr. H. S. SUHRAWARDY:** I do not know whether I should be wise in divulging the terms of the agreement which are still under consideration, but it is certainly intended to control jute sowings; in the first instance, it is for the purpose of a proper survey to be undertaken and thereafter the control will be given effect to.

**Mr. NIHARENDU DUTTA MAZUMDAR:** Will the Hon'ble Minister be pleased to state whether this agreement contains points only about restriction or also about control by providing facilities for marketing, price and other means of restriction as may be reasonable and profitable for them?

**The Hon'ble Mr. H. S. SUHRAWARDY:** I do not think our agreement with the Assam Government will go so far as to interfere with their internal affairs.

**Mr. NIHARENDU DUTTA MAZUMDAR:** Will the Hon'ble Minister be pleased to state whether Government is considering the advisability of undertaking an agreement on a more comprehensive scale including other points on which alone there can be a solid basis of agreement of a lasting character?

**Mr. SPEAKER:** That question does not arise.

**Mr. SYED JALALUDDIN HASHEMY:** With regard to the expression "lack of suitable legislation" in reply (*a*), what are the difficulties which stand in the way of the Governments of Bihar and

Assam in restricting the acreage under jute cultivation there? I want to know, besides lack of suitable legislation, what are the other difficulties?

**The Hon'ble Mr. H. S. SUHRAWARDY:** The difficulties are many; I think one difficulty which will strike any person is that there is no registration of jute lands or sowings.

**Maulvi ABU HOSSAIN SARKAR:** Will the Hon'ble Minister be pleased to state whether Government is contemplating to enter into agreements with such other Governments as those of Cooch Behar, Hill Tippera and Orissa in order to stop the excess cultivation of jute there?

**The Hon'ble Mr. H. S. SUHRAWARDY:** No, Sir. I do not think that our imagination has wandered as far as that.

**Mr. CHARU CHANDRA ROY:** Will the Hon'ble Minister be pleased to state whether in fixing or restricting the cultivation of jute Government took the productions which are made in Cooch Behar and Agartala into consideration?

**Maulvi ABU HOSSAIN SARKAR:** May I have your permission, Sir, to ask one more question? It is whether the Hon'ble Minister in charge, as he himself has just said, is lacking in imagination?

**The Hon'ble Mr. H. S. SUHRAWARDY:** My only answer, as in the reply to the next question, is, no.

### Loan for purchase of jute.

*2. **Dr. SURESH CHANDRA BANERJEE:** (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state whether with reference to the Jute Restriction Scheme application was made by the Bengal Government to the Central Government seeking permission to incur a loan of fifteen crores of rupees for purchase of jute?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what has happened to that application?

**The Hon'ble Mr. H. S. SUHRAWARDY (on behalf of the Hon'ble Mr. Tamizuddin Khan):** (*a*) No.

(*b*) Does not arise.

**Mr. NIHARENDU DUTTA MAZUMDAR:** Will the Hon'ble Minister be pleased to state whether the representatives of the Government of Bengal did make any representations about securing funds for better marketing of and for providing better prices for jute?

**Mr. SPEAKER:** That is a substantive question, and I cannot allow it.

**Mr. NIHARENDU DUTTA MAZUMDAR:** But here, Sir, the question refers to——

**Mr. SPEAKER:** You cannot argue on the point, but if you want to put another supplementary question, you can do so.

**Mr. NIHARENDU DUTTA MAZUMDAR:** Will the Hon'ble Minister be pleased to state what representations were made by the Government of Bengal at this meeting?

**The Hon'ble Mr. H. S. SUHRAWARDY:** I do not think that anybody can refer to that meeting in connection with the present question.

**Restriction of jute cultivation.**

***3. Dr. SURESH CHANDRA BANERJEE:** (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state whether it is a fact that the Government have decided to limit the production of jute next year to one-third of that of this year?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) on what basis this decision was made;

(*ii*) what was the amount of surplus of jute brought over from last year (1939-40); and

(*iii*) what is the amount of production and probable sale of jute this year?

(*c*) Will the Hon'ble Minister be pleased to state that if the proposal of restriction to one-third be given effect to, what according to the present estimate of the Government, will be the total amount of jute in the market next year?

**The Hon'ble Mr. H. S. SUHRAWARDY (on behalf of the Hon'ble Mr. Tamizuddin Khan):** (*a*) Yes. The Notification making this declaration as required by the Bengal Jute Regulation Act, 1940, was published in the *Calcutta Gazette* on the 26th September, 1940.

(*b*) (*i*) This decision was made after considering the advice of the Advisory Board constituted under section 8 of the Bengal Jute Regulation Act, 1940.

(*ii*) The stocks carried forward at the commencement of the current season, i.e., the 30th June, 1940, were estimated at about 23 lakhs of bales or 115 lakhs of maunds.

(*iii*) The production of raw jute this season was estimated in the final forecast at 125·6 lakhs of bales but Government believe that the actual outturn is unlikely to exceed 120 lakhs of bales.

It is very difficult to give a figure for actual sale of raw jute but for purposes of their regulation policy, Government have adopted the figure for probable consumption of raw jute which was suggested by the Advisory Board, namely, 83 lakhs of bales.

(*c*) Our present estimate is about 88 lakhs of bales, including the surplus likely to be carried forward to next season.

**Mr. SHAHEDALI:** Will the Hon'ble Minister be pleased to state whether they took into consideration section 3, sub-section (*2*) of the Jute Regulation Act, namely, to exclude the area where nothing but jute grows?

**The Hon'ble Mr. H. S. SUHRAWARDY:** Everything has been brought into operation.

**Mr. SHAHEDALI:** My question is whether the Hon'ble Minister took into consideration section 3, sub-section (*2*) of the Jute Regulation Act, *i.e.*, to exclude the area where nothing but jute grows, especially *char* land?

**The Hon'ble Mr. H. S. SUHRAWARDY:** I do not follow.

**Mr. SHAHEDALI:** My question is this. Under the Jute Regulation Act, there is provision to survey those lands where jute and nothing but jute grows, *i.e.*, in the rivers Meghna and Padma where there are *char* lands and where nothing but jute can be grown and there is no substitute crop and for that section 3, sub-section (*2*) of the Jute Regulation Act was inserted. Now I am putting a question to the Hon'ble Minister whether he took this into consideration while he wanted to restrict jute in the province of Bengal.

**Mr. SPEAKER:** It is extremely doubtful if the question arises. Anyway, the Hon'ble Minister may answer if he likes.

**The Hon'ble Mr. H. S. SUHRAWARDY:** I believe that the whole Act has been brought into operation and if the whole Act has been brought into operation the various sub-sections have also been brought into operation.

**Mr. SHAHEDALI:** Will the Hon'ble Minister be pleased to state whether there was a survey under section 3, sub-section (2), and whether in the remarks column there is any mention in the negative way——

**Mr. SPEAKER:** Now you are coming to a question which does not arise.

**Mr. SHAHEDALI:** Sir, it arises in this way——

**Mr. SPEAKER:** Whatever may be the way, I am quite definite that this question does not arise.

**Recommendations of the Chaukidari Inquiry Committee.**

*4. **Mr. ADWAITA KUMAR MAJI:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether he is considering the desirability of giving effect to the recommendations of the Chaukidari Inquiry Committee?

(*b*) If so, when?

**MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin):** (*a*) Yes.

(*b*) As soon as the recommendations have been fully considered.

**Mr. SASANKA SEKHAR SANYAL:** Will the Mon'ble Minister be pleased to state when Government received the report of this committee?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** I believe, about 3 or 4 months ago. It may be more.

**Mr. SASANKA SEKHAR SANYAL:** Will the Hon'ble Minister be pleased to state what has been the recommendation of the committee with regard to the question as to whether Government should relieve the union boards of the cost of chaukidars?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** I will ask the honourable member to wait till the report is published.

**Mr. CHARU CHANDRA ROY:** Will the Hon'ble Minister be pleased to state when Government will be ready to distribute copies of the report to the members of this House?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** As soon as the report is published, copies will be supplied to honourable members.

**Mr. ABDULLA-AL MAHMOOD:** Is the Hon'ble Minister aware that on account of non-suppliance of the Chaukidari Enquiry Committee's Report by the Hon'ble Minister in charge of Local Self-Government, the work of the Select Committee on the Bill of Maulvi Muhammad Israil is not being proceeded with?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** It is possible.

**Mr. CHARU CHANDRA ROY:** Will the Hon'ble Minister be pleased to state whether this report has been printed by Government as yet?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** I ask for notice.

**Mr. SASANKA SEKHAR SANYAL:** Since the report was submitted in July last, what is the difficulty of Government in circulating copies of the report?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** It is no use publishing the report without Government coming to a decision on it, and therefore as soon as Government comes to a decision, the report and the Government decision will be published simultaneously.

**Mr. SASANKA SEKHAR SANYAL:** Will the Hon'ble Minister be pleased to state how the decision of Government will suffer if copies of the report are circulated to the members beforehand?

**Mr. SPEAKER:** He does not say that the Government decision will suffer. He says that it is a question of convenience.

**Mr. ATUL KRISHNA GHOSE:** Will the Hon'ble Minister be pleased to state whether it is a fact that, not to speak of reducing the charges, the chaukidari charges in the present union boards budget have gone further up?

**Mr. SPEAKER:** That question does not arise.

**Mr. ATUL KRISHNA GHOSE:** Sir, I would draw your attention to the fact that recommendations were made to reduce——

**Mr. SPEAKER:** Whatever may be the nature of the recommendations, the question is whether they are available to the members.

**Mr. ATUL KRISHNA GHOSE:** This is one of the items of recommendations.

**Mr. SPEAKER:** How do you know?

**Mr. ATUL KRISHNA GHOSE:** I know it, Sir. (Laughter.)

**Maulvi AHMED ALI MRIDHA:** Will the Hon'ble Minister be pleased to state the probable date by which the recommendations might be fully considered by Government?

**Mr. SPEAKER:** The Hon'ble Minister has already answered that question.

### Religious instruction in Pabna Guru Training School.

***5. Maulvi MD. BARAT ALI:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether under the new syllabus of 1940 "religious instruction" is a compulsory subject for Guru Training Schools?

(*b*) Will the Hon'ble Minister be pleased to state whether he received any telegram from—

(1) Muslim League, Pabna, and

(2) Anjuman-i-Islamia, Pabna,

requesting him for posting a Muslim teacher as Head Master of the Pabna Guru Training School?

(*c*) Is the Hon'ble Minister aware that majority of Guru students of the said school are Muslims?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Minister be pleased to state what action he has taken for imparting religious instructions to Muslim Guru students of Pabna Guru Training School?

**MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq):** (*a*) and (*c*) Yes.

(*b*) No.

(*d*) There is a Muslim teacher on the staff of the school who imparts religious instruction to Muslim Guru students.

**Mr. CHARU CHANDRA ROY:** Will the Hon'ble Minister be pleased to state what arrangement has been made for the Hindu students to get religious instruction in the schools?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** The majority of the teachers are Hindus and the Hindu students are at liberty to take any instruction they like.

**Means of road communication between Arambagh and Calcutta.**

***6. Mr. TARAK NATH MUKHERJEA:** (*a*) Is the Hon'ble Minister in charge of the Communications and Works Department aware that in the rainy season it requires about 48 hours to reach Arambagh from Calcutta though the straight distance from Calcutta to Arambagh is about 40 miles?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps the Government contemplate taking for the improvement of the communication facility to Arambagh?

**MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar):** (*a*) I am informed that it takes about 24 hours to reach Arambagh from Calcutta during the rainy season.

(*b*) There is already railway communication between Calcutta and Champadanga, a railway station 13 miles off from Arambagh. The question of construction of an all-weather road between Champadanga and Arambagh was recently examined but it was dropped as it was found that the road would be useless unless it was so highly embanked as to be a danger to the country higher up which would be exposed to floods in consequence, and the cost would be prohibitive if adequate waterways to guard against this contingency were provided for.

**Enquiry into Dacca Mail disaster.**

***7. Dr. SURESH CHANDRA BANERJEE:** (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state whether this Government proposed to the Central Government to hold a Magisterial enquiry into the Dacca Mail Disaster which took place on the 5th August, 1940?

(*b*) If so, will the Hon'ble Minister be pleased to state what was the result of that proposal?

(*c*) If no such proposal was made, will the Hon'ble Minister be pleased to state the reason therefor?

(*d*) Will the Hon'ble Minister be pleased to state—

(*i*) whether any enquiry was held as regards the disaster;

(*ii*) if so, by whom, when and with what result; and

(*iii*) whether the assistance of the Bengal Government was sought in any way at the time of the enquiry?

(*e*) If the answer to (*d*) (*iii*) is in the affirmative, will the Hon'ble Minister be pleased to state in what shape the assistance was given?

(*f*) Have the Government been supplied with a copy of the report of the enquiry?

(*g*) If so, will the Hon'ble Minister be pleased to lay it on the Library table?

**The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar:** (*a*) No.

(*b*) and (*e*) Do not arise.

(*c*) I was awaiting the result of the investigation undertaken by the Senior Government Inspector of Railways. The report since submitted by that officer, which is based on very elaborate and careful investigations, makes it clear that the accident was due to sabotage, and therefore no Magisterial enquiry is considered necessary.

(*d*) (*i*) Yes.

(*ii*) By the Senior Government Inspector of Railways who started his enquiry soon after the accident with the result as stated at (*c*) above.

(*iii*) No.

(*f*) Yes.

(*g*) A copy is placed on the Libray table.

**Mr. ATUL CHANDRA SEN:** Will the Hon'ble Minister be pleased to state whether he is aware that there is a considerable volume of feeling in the country that the investigation by the Senior Government Inspector of Railways has not been conducted in a proper way and the findings have not been correct?

**The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar:** No, Sir. I have no information.

**Lack of means of communications between Bhedarganj and Tarpasa via Sureswar during dry season.**

*8. **Mr. MD. ABUL FAZL:** (*a*) Is the Hon'ble Minister in charge of the Communications and Works Department aware—

(*i*) that the inhabitants of Gosairhat, Bhedarganj, Naria, Janjira and Palong thanas of Faridpur district are being inconvenienced for want of proper communication during the dry season between Bhedarganj and Tarpasa *via* Sureswar;

(*ii*) that the India General Navigation and Rivers Steam Navigation Companies make no arrangement for plying any steam vessel during the dry season between the said places; and

(*iii*) that Sureswar Nala is sufficiently deep for the plying of steamers during the dry season?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps the Government contemplate taking in the matter?

**The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar:** (*a*) (*i*) and (*ii*) Yes.

(*iii*) and (*b*) My information is that due to channel difficulties it is not possible to run the steamer service in the dry season between Bhedarganj and Tarpasa *via* Sureswar and that in previous years when the service was in existence, it had to be closed owing to lack of support from the travelling public, losses of the Steamer Company in this connection being heavy.

**Mr. MD. ABUL FAZL:** Will the Hon'ble Minister be pleased to state what steps Government intend to take about the difficulties of the travelling public of that locality?

**The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar:** I think that the only solution will be the plying of country boats.

**Committee for enquiry into the rights and privileges of non-agricultural tenants.**

*9. **Maulvi MUHAMMAD ISRAIL:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*i*) the date when the Committee for enquiry into the rights and privileges of non-agricultural tenants has been appointed;

(*ii*) the number of sittings of that Committee with dates;

(*iii*) the date when the Committee is expected to submit its final report; and

(*iv*) the reason for the delay in the submission of the report of this Committee?

(*b*) Is the Hon'ble Minister aware that the public are anxious for this report?

(*c*) What steps are the Government proposing to take for expediting the submission of the report of this Committee?

**MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy):** (*a*) (*i*) 1st August, 1938.

(*ii*) 15 sittings; the dates are as follows:—

18th August, 1938; 20th August, 1938; 9th March, 1939; 17th March, 1939; 24th March, 1939; 1st May, 1939; 26th August, 1939; 9th April, 1940; 4th May, 1940; 1st June, 1940; 10th July, 1940; 31st August, 1940; 26th October, 1940; 16th November, 1940; 23rd November, 1940.

(*iii*) The Committee hope to present their report by the end of February, 1941.

(*iv*) Government are not in a position to control the deliberations of such committees with which various factors interfere, in particular the session of this House. Government understand that the time which the Committee is taking is mainly due to the intricacy of the problem referred to it.

(*b*) Yes.

(*c*) *Vide* answer to (*a*) (*iv*) above.

**Mr. SHAHEDALI:** It appears from the list that there was only one sitting on each occasion and not more than that. Will the Hon'ble Minister be pleased to state what is the reason for not sitting twice on each occasion on two consecutive days?

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** The meetings are held according to the convenience of the members concerned and, as I have stated here, it is not possible for Government to regulate the sittings of the committee. Probably they wanted certain information and without those information it was useless for the committee to meet again. So the meetings had to be adjourned *sine die*.

**Mr. ABDULLA-AL MAHMOOD:** Will the Hon'ble Minister be pleased to state whether Government fixed any time-limit to submit the report when the committee was appointed?

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** No.

**Maulvi MUHAMMAD ISRAIL:** Will the Hon'ble Minister be pleased to state whether there was any sitting of the committee after 23rd November, 1940, and, if so, how many?

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** I ask for notice.

**Contribution by the Government of Bengal towards the prosecution of the war or defence of India.**

*10. **Dr. NALINAKSHA SANYAL:** (*a*) Will the Hon'ble Minister in charge of the Finance Department be pleased to state whether the Government of Bengal have contributed or intend to contribute any sum out of provincial revenues towards the prosecution of the war or the defence of India?

(*b*) If so, will the Hon'ble Minister be pleased to state—

(*i*) what is the amount so contributed or proposed to be contributed;

(*ii*) what are the circumstances under which the said contribution has been or is being proposed to be made; and

(*iii*) whether the Government contemplate obtaining the sanction of the Legislature for such contribution before it is actually paid out?

**MINISTER in charge of the FINANCE DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy):** (*a*) The Government of Bengal have not contributed nor are they at present considering any proposal to contribute any sum out of provincial revenues towards the prosecution of the war or the defence of India.

(*b*) Does not arise.

**Number of Scheduled Caste members on the District School Boards.**

*11. **Babu SYAMA PROSAD BARMAN:** Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*a*) the name of the districts where District School Boards have been established; and

(*b*) the number of (1) elected, and (2) appointed, Schedule Caste members in each Board?

**The Hon'ble Mr. A. K. FAZLUL HUQ.** A statement is laid on the table.

*Statement referred to in the reply to starred question No. 11, showing Scheduled Caste membership of District School Boards.*

| Names of the districts in which District School Boards have been established. | Number of Scheduled Caste members in each Board. | |
|---|---|---|
| | Elected. | Appointed. |
| 1. Mymensingh .. | Nil | Nil |
| 2. Birbhum .. | Nil | Nil |
| 3. Pabna .. | Nil | Nil |
| 4. Bogra .. | Nil | Nil |
| 5. Dinajpur .. | Nil | 1 |
| 6. Chittagong .. | Nil | Nil |
| 7. Noakhali .. | Nil | Nil |
| 8. Dacca .. | Nil | 1 |
| 9. Nadia .. | Nil | 1 |
| 10. Murshidabad .. | Nil | Nil |
| 11. Rangpur .. | 1 | 1 |
| 12. Jalpaiguri .. | 1 | 1 |
| 13. Tippera .. | Nil | 1 |
| 14. Faridpur .. | 1 | 1 |
| 15. Howrah .. | Nil | Nil |
| 16. 24-Parganas .. | 1 | 1 |
| 17. Bakarganj .. | The Board has not yet been constituted. | |

**Babu MADHUSUDAN SARKER:** Will the Hon'ble Minister be pleased to state the reasons why no Scheduled Caste members were appointed in the case of Mymensingh, Birbhum, Pabna, Bogra and Howrah District School Boards?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** Efforts have always been made to appoint, but there have been so many conflicting interests to adjust. I am moving an amendment of the Primary Education Act to enable me to appoint more members. I expect that the amendment will go through quickly, and when I get those powers, Scheduled Caste members will be appointed in larger numbers.

**Compulsory retirement of Government servants after 25 years of service.**

*12. **Maulvi ABDUL LATIF BISWAS:** (*a*) Will the Hon'ble Minister in charge of the Finance Department be pleased to state whether Government have taken any decision in modification of the rule of retirement of the Government officers from service in view of the resolution passed in the Assembly for compulsory retirement of the Government servants after 25 years' service?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what decision Government have taken regarding the matter?

(c) If the answer to (*a*) is in the negative, will the Hon'ble Minister be pleased to state whether the Government are considering the desirability of taking any decision in the matter?

(*d*) If so, when?

**The Hon'ble Mr. H. S. SUHRAWARDY:** The matter is still under consideration.

**Mr. SYED JALALUDDIN HASHEMY:** Will the Hon'ble Minister be pleased to state the approximate time which the Government want for the consideration of the matter?

**The Hon'ble Mr. H. S. SUHRAWARDY:** I have never been able to give an approximate time.

**Mr. SYED JALALUDDIN HASHEMY:** I rise to a point of order, Sir, I want to compel——

**Mr. SPEAKER:** I am afraid there is no power either in me or in you by which you can compel a Minister to give the time.

**Mr. SYED JALALUDDIN HASHEMY:** If I get the majority, I have got the right.

**Mr. SPEAKER:** What is your question?

**Mr. SYED JALALUDDIN HASHEMY:** My question is, "Will the Hon'ble Minister be pleased to state the approximate time when Government can finish their deliberation on this matter?

**Mr. SPEAKER:** He cannot say.

**Mr. SYED JALALUDDIN HASHEMY:** Let him say three months, four months, one year or three years.

**Mr. SPEAKER:** No; he said, he cannot say that.

**Arrest and subsequent release of Haji Abdul Quadir.**

*13. **Babu NAGENDRA NATH SEN:** (*a*) Is the Hon'ble Minister in charge of the Home Department aware that one Haji Abdul Quadir was arrested some time ago by the Narayanganj Police, and taken into custody?

(*b*) If so, will the Hon'ble Minister be pleased to state—

(*i*) under whose orders;

(*ii*) for what offence; and

(*iii*) under what law?

(*c*) Was any warrant issued against him? If so, by whom?

(*d*) Will the Hon'ble Minister be pleased to state whether he was subsequently released?

(*e*) If so, (*i*) on what grounds; and (*ii*) under whose orders?

(*f*) Have the Government examined the evidence, the facts and circumstances against him upon which his arrest and detention were ordered?

(*g*) If so, what action, if any, do the Government intend to take against the said Abdul Quadir?

(*h*) If no action is proposed to be taken, will the Hon'ble Minister be pleased to state whether the Government contemplate giving him any compensation for his arrest and detention?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** (*a*), (*d*) and (*f*) Yes.

(*b*) Under the orders of the District Magistrate as he brought himself within the mischief of rule 129 of the Defence of India Rules.

(*c*) No warrant is required under that rule and none was issued.

(*e*) He was released under orders of Government as it was not considered that his further detention was necessary.

(*g*) None.

(*h*) No.

**Mr. ATUL CHANDRA SEN:** With reference to answer (*b*), will the Hon'ble Minister be pleased to state the exact nature of the activities that brought the Maulvi within the mischief of rule 129 of the Defence of India Rules?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** I ask for notice.

**Mr. ATUL CHANDRA SEN:** Will the Hon'ble Minister be pleased to state if this Maulvi was arrested in connection with what was known as Murapara Mosque Trouble?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** Yes.

**Mr. ATUL KRISHNA GHOSE:** Will the Hon'ble Minister be pleased to state the particular date when he was arrested and the subsequent date when he was released?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** I ask for notice.

**Mr. SYED JALALUDDIN HASHEMY:** How long was the Haji Sahib kept under detention?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** About 10 or 12 days: may be less.

**Mr. ATUL CHANDRA SEN:** Will the Hon'ble Minister be pleased to state whether the Chief Minister sent a telegram from his health resort at Chunar urging the release of the Maulvi?

**Mr. SPEAKER:** That question does not arise.

**Mr. ATUL KRISHNA GHOSE:** Will the Hon'ble Minister be pleased to state what new situation prevailed within a period of 12 days that the release of that Maulvi was considered necessary in the opinion of the Government?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** For example, the atmosphere in that area might have been so calm that there was no necessity for further detention.

**Mr. ATUL CHANDRA SEN:** Will the Hon'ble Minister be pleased to state whether he is aware that the District Magistrate and the Subdivisional Officer reported that the Maulvi was responsible for inciting communal feeling in those localities and inciting the people to riot?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** I am not aware of that.

**Mr. ATUL CHANDRA SEN:** Will the Hon'ble Minister be pleased to state whether he is aware that daily meetings are held where people are asked to defy the Government ban and enter the mosque by force?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** Evidently nothing has happened to give effect to these meetings.

**Mr. ATUL CHANDRA SEN:** Is the Hon'ble Minister aware that this Maulvi was present on the 26th August, the very day on which the people were trying to enter the mosque by force?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** That is not correct.

**Arrest of Babu Biswanath Mukherjee of Patuasagar, Bankura.**

***14. Srijut ASHUTOSH MULLICK:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact that Babu Biswanath Mukherjee of Patuasagar, district Bankura, was arrested about two and a half months ago at his village?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the charge on which he was arrested?

(*c*) Will the Hon'ble Minister be pleased to state—

(*i*) where the said Babu Biswanath Mukherjee is at present detained; and

(*ii*) what is the present state of his health?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** (*a*) Yes on the 28th June, 1940.

(*b*) Under rules 38 (*i*) (*a*) and (5) of the Defence of India Rules.

(*c*) (*i*) He was released on bail on the 25th September, 1940.

(*ii*) I have no information.

**Provincialisation of Rangpur-Palashbari Road in Rangpur district.**

***15. Khan Bahadur SHAH ABDUR RAUF:** (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state whether the Government contemplate to provincialise Rangpur District Board Road No. 9 (Rangpur-Palashbari Road)?

(*b*) If so, when the work is likely to be taken up by Government?

(*c*) Is the Hon'ble Minister aware that the road is an important one?

**The Hon'ble Maharaja SRISCHANDRA NANDY, of C[illegible]:** (*a*) Yes, after this project has been completed. So far the approval of the Government of India to improving this road from the Central Road Fund has not been received.

(*b*) The work cannot be taken until the scheme is approved by the Government of India.

(*c*) Yes.

**Maulvi ABU HOSSAIN SARKAR:** Will the Hon'ble Minister be pleased to state when the proposal for the approval of the Government of India was submitted by the Government of Bengal?

**The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar:** I think during the last 12 months.

## UNSTARRED QUESTIONS

**(answers to which were laid on the table)**

### Commissioners of the Narayanganj Municipality.

**1. Mr. PRATUL CHANDRA GANGULI:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*i*) the number of elected commissioners of the Narayanganj Municipality in the Dacca district;

(*ii*) since what year the Government sanctioned the present number of commissioners to be elected by the tax-payers of the Narayanganj Municipality;

(*iii*) the population of the Narayanganj Municipality at the time when the Government first sanctioned the present number of elected commissioners;

(*iv*) the present population of the Narayanganj Municipality; and

(*v*) whether the Government consider the present number of elected commissioners adequate to represent the present population of the Narayanganj Municipality?

(*b*) Is the Hon'ble Minister proposing to increase the number of elected commissioners to represent the increased population of the said Municipality?

(*c*) Will the Hon'ble Minister be pleased to lay on the table a statement showing the present number of—

(1) elected, and

(2) nominated,

commissioners of all the municipalities in Bengal with population below 40,000 and above 10,000?

**MINISTER in charge of the PUBLIC HEALTH and LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca):** (*a*) (*i*) Eight.

(*ii*) 1,884.

(*iii*) 12,508.

(*iv*) 34,189.

(*v*) The present number of elected commissioners does not appear to be adequate.

But no complaint has been received from the municipal commissioners or the people of Narayanganj about this inadequacy.

(*b*) Government do not propose to take any action in the matter unless the municipal commissioners at a meeting pass a resolution in favour of an increase in their number under section 6 of the Bengal Municipal Act, 1932.

(*c*) A statement is laid on the Library table.

**Production and price of jute in Murshidabad district.**

**2. Mr. SASANKA SEKHAR SANYAL:** (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to lay on the table a statement showing separately for the years 1939 and 1940 with respect to the Murshidabad district—

(*i*) the approximate outturn of jute;

(*ii*) the total area of land on which jute was grown;

(*iii*) the total sale of jute in the months October-November of the said years; and

(*iv*) the average price of jute per maund in October-November of the said two years?

(*b*) Will the Hon'ble Minister be pleased to state what steps do the Government contemplate taking for securing a fair minimum price for jute?

**The Hon'ble Mr. H. S. SUHRAWARDY (on behalf of the Hon'ble Mr. Tamizuddin Khan):** (*a*) A statement is laid on the table.

(*b*) The whole question was discussed at the Conference held in New Delhi on the 4th/5th December, 1940. The honourable member is referred to the Press Communique of the 19th December, 1940, which embodies all the arrangements made, as a result of the Conference to secure for the cultivator a fair price for his jute.

*Statement referred to in the reply to clause (a) of unstarred question No. 2.*

| | 1939. | 1940. |
|---|---|---|
| Outturn of jute .. | 104,200 | 114,000 bales. |
| Area under jute .. | 45,600 | 60,000 acres. |
| Average price during October-November (bottom quality). | Rs. 8 | Rs. 3-12 per maund. |

No information is available regarding total sales during October-November in 1939 or 1940.

**Imposition of the education cess in Howrah district.**

**3. Khan Bahadur S. ABDUR RAUF:** Will the Hon'ble Minister in charge of the Education Department be pleased to state what steps he proposes to take for the introduction of the education cess in the district of Howrah?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** The matter is still under my consideration.

**Khan Bahadur S. ABDUR RAUF:** Will the Hon'ble Minister be pleased to state whether he proposes to introduce this education cess next year?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** I hope to.

**Externment order under the Defence of India Rules.**

**4. Dr. SURESH CHANDRA BANERJEE:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(i) on how many persons in Bengal the externment order under the Defence of India Rules has been served since their promulgation;

(ii) how many of them have defied the order and courted imprisonment;

(iii) how many of those imprisoned have been put in Division I, how many in Division II and how many in Division III; and

(iv) whether there is any restriction as regards persons who can interview with such prisoners?

(b) If the answer to (a) (iv) be in the affirmative, will the Hon'ble Minister be pleased to state what are these restrictions?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** (a) (i) Up to the end of October—400.

(ii) 25.

(iii) Division I—Nil.

Division II—9.

Division III—9.

(iv) Yes.

(b) I am not prepared to give this information.

**Dr. SURESH CHANDRA BANERJEE:** Will the Hon'ble Minister be pleased to state the reason for which he is not prepared to give the information asked for in question (b)?

**Mr. SPEAKER:** I think it is parliamentary practice to give the reason in such cases. The Hon'ble Minister may say, "I am not prepared to give the information asked for in public interest."

**The Hon'ble Khwaja Sir NAZIMUDDIN:** Yes, Sir, in public interest.

**Boarding arrangements for students of Sakhawat Memorial Girls' High English School.**

**5. Dr. SANAULLAH:** (a) Is the Hon'ble Minister in charge of the Education Department aware that the girl students residing in the hostel of the Sakhawat Memorial High English School for Muslim Girls, Calcutta, are required to pay a charge of Rs.8 per month for board even though they do not take their meals in the hostel for the period of a full calendar month?

(b) If the answer to (a) is in the affirmative, will the Hon'ble Minister be pleased to state whether he contemplates taking steps for the exemption of the girl students from paying the board charges for the days they do not take their meals in the hostel in the month?

(*c*) Will the Hon'ble Minister be pleased to state whether the girl students of the said hostel are required to—

(*i*) perform their prayers five times daily; and

(*ii*) recite the holy Quran after the morning prayer every day?

(*d*) If the answer to (*c*) is in the negative, will the Hon'ble Minister be pleased to state the reasons therefor?

(*e*) Will the Hon'ble Minister be pleased to state what arrangements have been made to look after the general health of the boarders?

(*f*) Is the Hon'ble Minister considering the desirability of taking the weight of the boarders every week?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** (*a*) Yes.

(*b*) Boarders pay Rs.8 per head per mensem as hostel charges for the 12 months of the year against Rs.12 paid by the Government, on account of capitation grant and free residence, medical attendance and medicine. The question of the exemption of boarders from payment of charges on account of absence from meals does not arise.

(*c*) All Muslim girls above a certain age are enjoined to perform their prayers and to recite the holy Quran particularly in the morning.

(*d*) Does not arise.

(*e*) There is a medical officer to look after the health of the boarders.

(*f*) The weight of the boarders is taken periodically.

## Floods in Midnapore district.

**6. Mr. NISHITHA NATH KUNDU:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state with respect to the Midnapore district—

(*i*) the places and areas which have been affected by the recent floods;

(*ii*) the number of persons affected; and

(*iii*) the extent of damages in respect of—

(1) crops destroyed,

(2) houses washed off or damaged, and

(3) cattle destroyed and killed?

(*b*) What relief, if any, have the Government given to the affected persons?

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** (*a*) (*i*) Four Unions of Patashpur, 12 Unions of Bhagwanpur, 4 Unions of Sabong and 6 Unions of Nandigram thana comprising an area of 175 square miles approximately.

(*ii*) 150,000 approximately.

(*iii*) (1) Crops over an area of 50,000 acres have been damaged.

(2) A considerable number of huts have been damaged but the exact figures are not available.

(3) A few heads of cattle have been destroyed but the exact figures are not available.

(*b*) A sum of Rs.16,500 has been distributed as agricultural loans and 5,500 maunds of rice have been distributed as gratuitous relief.

**Persons detained under Defence of India Rules and their trial.**

**7. Mr. PRATUL CHANDRA CANGULI:** Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) whether all or majority of the persons arrested on the 13th, 14th and 15th September, 1940, under the Defence of India Rules are Congress workers;

(*b*) how long they shall have to remain in jail without any trial; and

(*c*) whether any definite or specific charges have been framed against them?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** (*a*) I have no information.

(*b*) Until, in the opinion of Government circumstances render it expedient to release them.

(*c*) No.

**Externment order on Miss Kanak Das Gupta.**

**8. Mr. NISHITHA NATH KUNDU:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether orders have been passed on Miss Kanak Das Gupta externing her from Calcutta, Barisal and three other districts?

(*b*) If so, will the Hon'ble Minister be pleased to state the reasons therefor?

(c) Is it a fact that she is of tender age at which girls usually live under the care of guardians?

(d) Have the Government granted any maintenance allowance for her?

(e) If so, what is the amount of the allowance?

(f) Will the Hon'ble Minister be pleased to state—

(i) where do her parents and guardians live at present; and

(ii) where is the usual place of residence of her family?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** (a) Yes.

(b) For her subversive activities.

(c) She is about 21 years.

(d) No.

(e) Does not arise.

(f) Jessore.

**Mr. NIHARENDU DUTTA MAZUMDAR:** With reference to (b), will the Hon'ble Minister be pleased to state as to what were the specific activities that were being carried on by Miss Kanak Das Gupta which the Hon'ble Minister has characterised as subversive activities warranting her detention under the Defence of India Act?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** There is no detention as far as I can see.

**Mr. NIHARENDU DUTTA MAZUMDAR:** I am sorry. It is a case of externment. Will the Hon'ble Minister be pleased to state what specific activities she was carrying on which the Hon'ble Minister has characterised as subversive activities?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** I ask for notice.

**Mr. NIHARENDU DUTTA MAZUMDAR:** Will the Hon'ble Minister be pleased to state whether he supplied this answer as contained in (b) "for subversive activities" without knowing sufficiently as to what activities justified the externment order passed on her?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** The externment order was passed on the recommendations of the District Officer. Government accepted those recommendations.

**Mr. NIHARENDU DUTTA MAZUMDAR:** Will the Hon'ble Minister be pleased to state since this question was tabled whether Government tried to ascertain the nature of the activities on the basis of which such an order was passed on her?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** My approval must have been taken, but I don't remember exactly the nature of those activities. That is why I ask for notice.

**Mr. NIHARENDU DUTTA MAZUMDAR:** My question has not been answered. Will the Hon'ble Minister be pleased to state whether before giving his approval to this order being passed on a young girl, he actually ascertained the nature of the activities to consider whether the approval would be justifiably given or should have been withheld.

**The Hon'ble Khwaja Sir NAZIMUDDIN:** There is no doubt about it that approval was given after full consideration, and I considered it necessary. I ask for notice because those facts are not in my possession at the present time.

**Pay and prospect of the inferior Government servants.**

**9. Babu UPENDRA NATH BARMAN:** (*a*) With reference to the reply given to starred question No. 41 of the 19th July, 1940, will the Hon'ble Minister in charge of the Finance Department be pleased to state whether the Special Officer has submitted his report yet?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the Government contemplate circulating the report of the Special Officer with his recommendations to the members of this House?

(*c*) If the answer to (*a*) is in the negative, will the Hon'ble Minister be pleased to state the reasons for the delay in submitting the report?

(*d*) Will the Hon'ble Minister be pleased to state when the Government expect to come to a final decision in the matter?

**The Hon'ble Mr. H. S. SUHRAWARDY:** (*a*) The report was received on the 30th November, 1940.

(*b*) The question will be considered in due course.

(*c*) Does not arise.

(*d*) Without undue delay.

**10. Mr. ABDUL WAHAB KHAN:** (*a*) With reference to the reply given to starred question No. 41 of the 19th July last, will the Hon'ble Minister in charge of the Finance Department be pleased to state whether the Special Officer has submitted his recommendations as yet?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the Government contemplate the desirability of circulating to the members of this House the report of the Special Officer with his recommendations?

(*c*) If the answer to (*a*) is in the negative, will the Hon'ble Minister be pleased to state—

(*i*) when the report is likely to be submitted; and

(*ii*) the reasons for the delay in the submission of the said report?

**The Hon'ble Mr. H. S. SUHRAWARDY:** The honourable member is referred to the reply given to unstarred question No. 9 of the 3rd February, 1941.

**Dr. SURESH CHANDRA BANERJEE:** With reference to answer (*b*), will the Hon'ble Minister be pleased to state what does he mean by "due course"?

**The Hon'ble Mr. H. S. SUHRAWARDY:** I mean that the report is taking its due course.

**Dr. SURESH CHANDRA BANERJEE:** How long will it take? It is already four months over.

**The Hon'ble Mr. H. S. SUHRAWARDY:** The calculation shows two months.

**Dr. SURESH CHANDRA BANERJEE:** Will the Hon'ble Minister be pleased to give us some idea as to the time it will take—four, five or six months or the whole of the year?

**The Hon'ble Mr. H. S. SUHRAWARDY:** I am not able to give any idea.

**Attendance of members under detention or conviction.**

**Mr. SANTOSH KUMAR BASU:** Sir, before you take up the regular business of the House, may I just enquire what steps have been taken in order to secure the attendance of those members who have been detained or convicted under the Defence of India Rules?

May I remind you, Sir, that during the last session you were pleased to hold out hopes, if I may put it in that way, that steps would be taken in consultation with the Hon'ble the Home Minister to secure the attendance of those members who have been either detained or imprisoned and cannot ordinarily attend the session of the House? As we are to-day meeting for the first time this session, I would ask you to take steps so that the unanimous recommendation of the Privilege Committee to that effect might be given effect to.

**Mr. SPEAKER:** I do not exactly remember the words I used then, but I hope in the course of a day or two I will be able to go through the report of the Privilege Committee and then I will be able to tell you by the end of this week what is going to take place. With regard to the Privilege Bill it might take its own course.

**Mr. SANTOSH KUMAR BASU:** Sir, I am asking you with regard to the definite steps to secure the attendance of these members even before the Privilege Bill is taken up.

**The Hon"ble Khwaja Sir NAZIMUDDIN:** Sir, may I draw your attention to the fact that as far as I remember the Privilege Committee definitely recognised that this was not a question of privilege; they only made a recommendation and it was only a question of convention. Therefore I want to make it clear that this is not a question of privilege.

**Mr. SPEAKER:** I feel that though there is the report of the Privilege Committee, the House had no opportunity to discuss that question and come to a decision on the matter. It is at best the report of the Privilege Committee, and last time I said that a day should be fixed for its discussion. I wrote to Government to fix a date for that purpose. If that report is accepted by Government, then it will be for the Government to establish a convention. If that is not accepted, the House will have an opportunity to pass its verdict on it.

**Mr. JOGESH CHANDRA GUPTA:** That report was unanimous and the Hon'ble Minister was also a member of that committee.

### Notice of amendments regarding Bills.

**Mr. KIRAN SANKAR ROY:** Sir, may I be permitted to refer to another point? It is about the manner of giving notices regarding the Bills which we are considering during this session and the time given to us for sending our amendments. You are aware, Sir, that only ten days are given to us to send our amendments; this time we did not get notices of some of these Bills, especially the Bengal Motor Spirit

Sales Taxation Bill and the Bengal Finance (Sales Tax) Bill till the 21st. Amendments had to be sent by the 24th. That means that it gave us only three days to read these Bills and consult men who know these Bills before we could send the amendments. And there is another matter. You will find, Sir, that sometimes more than one Bill, say three or four Bills, are put up for discussion on one day, and everybody knows that it is impossible to study the Bills in that short time. Sir, I will make no insinuation, but it almost seems that Government do not intend that any amendments be moved to these Bills. Sir, I hope you will take these things into consideration and relax the rules and admit such amendments which have been sent within reasonable time.

**Mr. SPEAKER:** As a matter of fact, I have been and I want to be as lenient as possible, but I do find that there are certain things which ought to be changed. I am preparing a note for the Government as to the lines on which the legislative procedure should be adopted. For the time being I am administering the rules leniently, and I am quite prepared to accept amendments at short notice. As a matter of fact, I have admitted late amendments both on the Bengal Motor Spirit Sales Taxation Bill and the Bengal Finance (Sales Tax) Bill not only for the reason that these are the first Bills of the session, but also because the members have not perhaps been attuned to the requirements of the Legislature and were not in time to send in notices of amendments. I therefore propose to accept the short notice amendments which have been tabled till to-day, but I do not think I could do anything more than what has already been done, unless there are special reasons to the contrary. The rules provide that if on the floor of this House a discussion arises, it is open to the Speaker to accept an amendment on the spot. Subject to that I am already taking steps in anticipation of Mr. Roy's contention, and therefore the amendments which have been tabled late by Rai Harendra Nath Chaudhuri and also by others, as soon as they are admitted, will be placed before the members.

**Dr. SURESH CHANDRA BANERJEE:** Sir, you have already become lenient, and we want you to extend the time by one day more.

**Mr. SPEAKER:** I am sorry, that is not possible.

## Leader of the Opposition.

**Khan Bahadur MUHAMMAD ALI:** Sir, I want to know the leader of which party is to be known as the Leader of the Opposition. We are entitled to know that as a question of privilege.

**Mr. SPEAKER:** Ask Mr. Deputy Speaker and he will reply to it.

## GOVERNMENT BILL.

### The Calcutta Municipal (Amendment) Bill, 1940.

**The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:** Sir, I beg to present the *ad interim* report of the Select Committee on the Calcutta Municipal (Amendment) Bill, 1940.

I beg also to move that the time for submission of the report of the Select Committee on the Calcutta Municipal (Amendment) Bill, 1940, be extended up to the 28th February, 1941.

The motion was then put and agreed to.

## NON-OFFICIAL BILL.

### The Bengal Village Self-Government (Amendment) Bill, 1939, by Maulvi Muhammad Israil, M.L.A.

**The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:** Sir, I beg to present the *ad interim* report of the Select Committee on the Bengal Village Self-Government (Amendment) Bill, 1939, by Maulvi Muhammad Israil, M.L.A.

I beg also to move that the time for submission of the report of the Select Committee on the Bengal Village Self-Government (Amendment) Bill, 1939, moved by Maulvi Muhammad Israil, M.L.A., be extended up to the 28th February, 1941.

The motion was then put and agreed to.

## GOVERNMENT BILL.

### The Secondary Education Bill, 1940.

**The Hon'ble Mr. A. K. FAZLUL HUQ:** Sir, I beg to present the *ad interim* report of the Select Committee on the Secondary Education Bill, 1940.

Sir, I beg to move that the time for submission of the report of the Select Committee on the Secondary Education Bill, 1940, be extended till the 15th April, 1941.

The motion was then put and agreed to.

### Bills passed by the Bengal Legislative Council.

The Secretary then gave the following information:—

Under rule 73 of the Bengal Legislative Assembly Procedure Rules the following Bills passed by the Bengal Legislative Council were laid on the table:—

(1) the Bengal Water-hyacinth Bill, and

(2) The Bengal Rural Poor and Unemployed Relief (Amendment) Bill.

Copies of the Bills have already been supplied to the members.

### The Bengal Motor Spirit Sales Taxation Bill, 1941.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, I beg to present before the House the report of the Select Committee on the Bengal Motor Spirit Sales Taxation Bill, 1941.

### The Bengal Finance (Sales Tax) Bill, 1941.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, I beg to present before the House the report of the Select Committee on the Bengal Finance (Sales Tax) Bill, 1941.

### Supplementary Statement of Expenditure.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, I beg to present before the House the Supplementary Statement of Expenditure for the current year. The total covered by the estimate is Rs. 1,67,19,000 out of which Rs. 1,39,000 is charged; the balance is voted. The demands relate to certain items, two of which, namely, the "Interest Free Advances" and "Loans and Advances" are outside the Revenue account. These two grants between them account for a total of 19½ lakhs. Sixty lakhs out of this total amount is on account of loans to agriculturists, the bulk of which is short-term crop loans distributed properly through the agency of co-operative societies. These loans are repayable within a period of 12 months. The demand of 30½ lakhs under "Grant No. 35" represents, essentially, an advance for the purchase of jute and will be adjusted in the course of the year as soon as the expenditure has been booked by Audit under the appropriate Revenue head "40—Agriculture." This advance does not therefore involve any additional expenditure, inasmuch as this expenditure to meet which the advance was taken has already been adjusted under the

head "Agriculture". Under the Revenue heads, the largest single demand is under "Grant No. 23—Agriculture" for which 55 lakhs 35 thousand is required. This includes an expenditure of 29½ lakhs on the purchase of jute in June and July last with the object of maintaining an economic price level for the new crop in the current year. The policy underlying this will be dealt with more fully when the demand is actually moved. The rest of the additional expenditure under "Agriculture" is due mainly to the registration of jute lands and the regulation and licensing of jute. Ancillary to this is the scheme for making available to cultivators substitute crop seeds which may be grown on areas released by the impending restriction of jute cultivation, and it is proposed to secure a stock of seeds at a cost of 70 thousand rupees in the current year. Much more will be required for the same purpose in the coming year. There are, moreover, charges in connection with an expert enquiry which is now in progress in regard to the Jute and Hessian Futures Markets.

The next largest demand is on account of "Grant No. 19—Education—General" where new money to the extent of 6 lakhs 80 thousand is required to implement the scheme of development of primary education.

Under "Grant No. 16—Police," the demand is for 5 lakhs 82 thousand rupees due mainly to extra staff to maintain law and order in the province.

"Grant No 15—Jails" comes next with a demand of 2 lakhs 16 thousand rupees. More than half of this is for the purchase of raw materials for jail manufactures which are now in great demand. This expenditure is consequently remunerative. The balance of the demand is on account of increased dietary charges owing to a rise in the number of prisoners as well as in the price of food-grains.

The demands under the remaining heads are comparatively small. The reasons have been set forth in the Explanatory Memorandum and will be gone into more fully by the Hon'ble Ministers concerned when these demands are moved.

## Reports of the Public Accounts Committee.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, in pursuance of rule 114 of the Bengal Legislative Assembly Procedure Rules, I beg to present to the Assembly the Report of the Committee on Public Accounts on the Appropriation Accounts and Finance Accounts of the Government of Bengal for the year 1938-39 and the Audit Reports, 1939.

**Demands for the excess expenditure incurred in 1938-39.**

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, I beg to present to the Assembly the demand in respect of expenditure incurred in excess of the amounts voted by this Assembly in the year 1938-39. This excess occurred under two heads, namely, "15—Other taxes and duties" and "55—Superannuation allowances and pensions." The reasons for these excesses have been set forth in Appendix 2 of the reports of the Public Accounts Committee just presented to the Assembly.

## GOVERNMENT BILLS.

**The Eastern Frontier Rifles (Bengal Battalion Amendment) Bill, 1941.**

**The Hon'ble Khwaja Sir NAZIMUDDIN:** Sir, I beg to introduce the Eastern Frontier Rifles (Bengal Battalion Amendment) Bill, 1941.

(The Secretary then read the short title of the Bill.)

**The Bengal Motor Spirits Sales Taxation Bill, 1941.**

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, I beg to move that the Bengal Motor Spirits Sales Taxation Bill, 1941, as reported by the Select Committe, be taken into consideration.

I will now briefly indicate the chief changes proposed by the Select Committee.

The definition of motor spirit has been amended to exclude Diesel and any other heavy oils used as fuel for industrial machinery; the Select Committee thought that these should not be brought within the scope of a tax whose object is to provide funds to advance the construction of new roads.

Retail dealers have been relieved of the obligation to furnish security deposit and the Select Committee has removed the prohibition upon them in sub-clause (*6*) of clause 4 that no dealer in motor spirit could own public vehicles which ply for hire; wholesale dealers have been relieved from the obligation of reporting the amount of motor spirit received by them each month and of keeping sales and other books of accounts. By an amendment to clause 9(*1*) it is proposed that a dealer's books and accounts can only be inspected at his business premises, and by new clause 9A returns and all information regarding the business of the dealer are to be kept confidential. New clause 8A lays down the procedure to be followed in the case of death of a

dealer in motor spirit or in cases where the dealer desires to transfer his business to any other person. Finally, by the addition of a new sub-clause to clause 14 it will be necessary to obtain the previous sanction from the proper authority before instituting any prosecution.

**Mr. SPEAKER:** I find that the amendments which were given late notice of have not been circulated. I am taking steps to see that they are circulated. They have already been cyclostyled and when they are circulated they might be discussed on their merits. In the meantime, I propose to finish the amendments of dilatory nature.

**Mr. P. BANERJI:** Sir, I beg to move by way of amendment that the Bill be recommitted to the same Select Committee with instructions to submit their report by 30th June, 1941, and that the quorum of the Select Committee be fixed at five.

Sir, the Hon'ble Minister has just pointed out that he has made certain improvements in the Select Committee, but, Sir, from the large number of amendments given notice of by the members of the European Group and also by some other members on this side, it appears that there are also many points or rather there is a greater scope for improvement if this measure is referred back to Select Committee. Sir, in the original Bill the Hon'ble Minister stated in the Statement of Objects and Reasons that the Government wanted money not immediately but in the year 1942. They can continue with the present capital up to 1942, and this Bill is intended only for the construction of the new roads from 1942. From our experience we find that this is not such an urgent matter that it cannot wait. Although money was available in the year 1931-32 and also 1937-38—large amount of money no doubt—Government would not spend this money properly and there was large accumulation. In the earlier part of the debate last session we pointed out that it was unfortunate that in this department large money was accumulated and that money was not spent for want of concrete schemes. The Hon'ble Maharaja said "not now." The same question was raised last session. It was said that they would have a comprehensive scheme and by the year 1942 they will be spending not at the rate of 18 lakhs, but 30 lakhs yearly. But from our experience, as I pointed out, of the conditions of several roads, we find that the improvement is not made in proper direction. When I speak in the Budget Session, I shall have sufficient time to refer to all this in detail, and then I shall be able to substantiate every word of what I have said. But now in the short time at our disposal, let us look into the matter.

The only point that was discussed at the time of the introduction of the Bill was this: The Hon'ble Finance Minister has said that the Motor Spirit Sales Taxation Bill has been introduced in Bihar and that the rate is also anna 1-6. In Bihar the position is quite different

from Bengal. After the war there has been already an increase in the price of 6 annas per gallon—2 annas per gallon by the Central Government and 4 annas by the trade. Thus the price has risen from Re. 1-2 to Re. 1-8. By this the greatest transport company is hard hit. That company cannot pass on this tax to the users and so they have to suffer. We do not like that a certain company from whom this tax will be realised to the tune, according to the estimate of the honourable member, of Rs. 12 lakhs should suffer. So the present position is that these transport companies in Calcutta and in Bengal are in a very bad way. They are on the verge of collapse, and if this additional tax of anna 1-6 is to be levied, then they will collapse altogether. We do not like that they should collapse in the interests of the public and particularly in the interests of the monopoly company in Calcutta—the Tramway Company. They have reduced their fares from 8 annas to 4 annas, 1 anna, and even in some cases to 9 pies. This company cannot reduce its fares any more. If this Bill is again referred back to the Select Committee, they will have another opportunity to discuss this matter.

I suggest that a tax of one pice per ticket may be levied on the Tramway Company so that we may have an income of about Rs. 15 lakhs from that source. If this is made and if we allow this Company to increase its fare by one pice, then this Company will also not be hard hit.

The result will be that the Government will have Rs. 12 lakhs on the basis of the rate provided in this Bill. If this rate is reduced—as there are other amendments where it has been suggested that it should be reduced to one anna per gallon—then we may have 8 lakhs from this source and about Rs. 15 lakhs from the other source. Thus both the ends are met. Very nicely this Company can go on and we can also have sufficient income for Government.

With these words I move my motion for the acceptance of the House.

**Maulvi ABU HOSSAIN SARKAR:** Sir, in supporting the motion moved by my friend Mr. Banerji, I must make my position absolutely clear. I have no sympathy for private motor-car owners. They are big people and can pay more. But I support this motion on the consideration that the Select Committee made no exception in cases where this Bill would in a way enhance the hire of motor transport, particularly in mufassal areas. The people are now using motor lorries for various transport purposes and for transhipment of goods, specially of agricultural produce, and if the price of motor spirit is raised by this Bill, then it will seriously hamper the progress of motor transport and ultimately not the big people but the poor and middle-class people will have to bear the burden. I expected that the Select Committee would

make some exception, but unfortunately they have placed the big people and the poor and middle-class people in the same category. Therefore, I submit that this Bill should be recommitted so that the Select Committee may reconsider their position.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, I do not know whether any reply is called for from Government. The points which have been raised for recommittal are really points that may be raised if the honourable members desire to oppose the passage of the Bill. If the price in Bengal has risen, so has the price in Bihar, and I see no ground whatsoever why, while all the provinces in India are taxing themselves, Bengal should be the sole province that should escape taxation on motor spirit.

Sir, I am sorry for the bus companies whom Mr. P. Banerji represents. I hope that they will be able to have more business and will be able to make both ends meet. When the price of mobil oil goes up, there is no cry. They have got to pay it. When the price of tyres goes up, they have got to pay, but if you have got to pay to Government something as taxation which will be returned to the country and which will be returned for the benefit of motor-car owners, then the opposition commences. I submit that there is no basis for such opposition and I oppose the motion.

The motion of Mr. P. Banerji that the Bengal Motor Spirit Sales Taxation Bill, 1941, be recommitted to the same Select Committee with instructions to submit their report by 30th June, 1941, and that the quorum of the Select Committee be fixed at five, was then put, and a division taken, with the following result:—

**AYES—55.**

Abdul Wahed, Maulvi.
Abu Hossain Sarkar, Maulvi.
Abul Fazl, Mr. Md.
Ahmed Khan, Mr. Syed.
Asimuddin Ahmed, Mr.
Banerji, Mr. P.
Banerji, Mr. Satya Priya.
Banerjee, Dr. Suresh Chandra.
Barma, Mr. Puspajit.
Barman, Babu Shyama Prasad.
Basu, Mr. Santosh Kumar.
Bhawmik, Dr. Gobinda Chandra.
Biswas, Babu Lakshmi Narayan.
Chakrabarty, Mr. Jatindra Nath.
Chaudhuri, Rai Narendra Nath.
Das Gupta, Babu Khagendra Nath.
Das Gupta, Dr. J. M.
Das Gupta, Srijut Narendra Nath.
Dalal, Mr. Narendra Nath.
Dutta Gupta, Miss Mira.
Dutta Mazumdar, Mr. Niharendu.
Emdadul Haque, Kazi.
Ghose, Mr. Atul Krishna.
Giasuddin Ahmed, Mr.
Goswami, Mr. Tulsi Chandra.
Gupta, Mr. Jogesh Chandra.
Gupta, Mr. J. N.
Hasan Ali Chowdhury, Mr. Syed.
Jalaluddin Hashemy, Mr. Syed.
Jalan, Mr. I. D.
Jonab Ali Majumdar, Maulvi.
Khan, Mr. Debendra Lall.
Kundu, Mr. Nishitha Nath.
Maitra, Mr. Surendra Mohan.
Maji, Mr. Adwaita Kumar.
Majumdar, Mrs. Hemaprova.
Mandal, Mr. Jogendra Nath.
Maniruzzaman Islamabadi, Maulana Md.
Maqbul Hosain, Mr.
Mullick, Srijut Ashutosh.
Nasker, Mr. Hem Chandra.
Pramanik, Mr. Tarinicharan.
Ramizuddin Ahmed, Mr.
Roy, Mr. Charu Chandra.

Roy, Mr. Kiran Sankar.
Roy, Mr. Kishori Pati.
Roy, Mr. Manmatha Nath.
Sanyal, Mr. Sasanka Sekhar.
Sen, Mr. Atul Chandra.
Sen-Gupta, Mrs. Nellie.
Shahedali, Mr.
Shamsuddin Ahmed, Mr. M.
Singha, Babu Kshetra Nath.
Sinha, Srijut Manindra Bhusan.
Wallur Rahman, Maulvi.

NOES—95.

Abdul Aziz, Maulana Md.
Abdul Hafiz Mr. Mirza.
Abdul Hakim, Maulvi.
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Hamid, Mr. A. M.
Abdul Jabbar, Maulvi.
Abdul Kader, Mr. (alias Lal Meah).
Abdul Majid, Maulvi.
Abdul Wahab Khan, Mr.
Abdulla-al Mahmood, Mr.
Abdur Rahman Siddiqi, Mr.
Abdur Raschid Mahmood, Mr.
Abdur Rasheed, Maulvi Md.
Abdur Rauf, Khan Bahadur Maulvi S.
Abdur Razzak, Maulvi.
Abidur Reza Chowdhury, Khan Bahadur Maulvi.
Abul Hosain Ahmed, Mr.
Aftab Ali, Mr.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Ahmed Ali Mridha, Maulvi.
Ahmed, Hosain Mr.
Alfazuddin Ahmed, Khan Bahadur Maulvi.
Aminullah, Khan Sahib Maulvi.
Ashrafali Mr. M.
Aulad Hossain Khan, Khan Bahadur Maulvi.
Azhar Ali, Maulvi.
Biswas, Mr. Rasik Lal.
Chippendale, Mr. J. W.
Clark, Mr. I. A.
Das, Mr. Anukul Chandra.
Das, Rai Sahib Kirit Bhusan.
Dass, Babu Debendra Nath.
Edbar, Mr. Upendranath.
Farhad Raza Chowdhury, Mr. M.
Farhut Bano Khanam, Begum.
Fazlul Huq, the Hon'ble Mr. A. K.
Gladding, Mr. D.
Gomes, Mr. S. A.
Gyasuddin Ahmed Choudhury, Alhadj.
Habibullah, the Hon'ble Nawab Bahadur K., of Dacca.
Hafizuddin Choudhuri, Maulvi.
Hasanuzzaman, Maulvi Md.
Hashem Ali Khan, Khan Bahadur Maulvi.
Hasina Murshed, Mrs., M.B.E.
Hatemally Jamadar, Khan Sahib Maulvi.
Hendry, Mr. David.
Heywood, Mr. Rogers.
Idris Ahmed Mia, Maulvi.
Ispahani, Mr. M. A. H.
Jasimuddin Ahmed, Khan Saheb Maulvi.
Kabiruddin Khan, Khan Bahadur Maulvi.
Kazem Ali Mirza, Sahibzada Kawan Jah Syed.
Kennedy, Mr. I. G.
McGregor, Mr. G. G.
Maguire, Mr. L. T.
Mandal, Mr. Banku Behari.
Mandal, Mr. Birat Chnadra.
Mandal, Mr. Jagat Chandra.
Mohammed Ali, Khan Bahadur.
Morgan, Mr. G., C.I.E.
Muhammad Afzal, Khan Bahadur Maulvi Syed.
Muhammad Ibrahim, Maulvi.
Muhammad Israil, Maulvi.
Muhammad Siddique, Khan Bahadur Dr. Syed.
Muhammad Solaiman, Khan Bahadur Maulvi.
Mullick, the Hon'ble Mr. Mukunda Behary.
Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustagawsai Haque, Mr. Syed.
Nandy, the Hon'ble Maharaja Srichandra, of Cossimbazar.
Nazarullah, Nawabzada K.
Nazimuddin, the Hon'ble Khwaja Sir, K.C. I. E.
Norton, Mr. H. R.
Raikut, the Hon'ble Mr. Prasanna Deb.
Roy, Mr. Dhananjoy.
Sadaruddin Ahmed, Mr.
Sahebe-Alam, Mr. Syed.
Sanaullah, Al-Hadj Maulana Dr.
Sarkar, Babu Madhusudan.
Sasoon, Mr. R. M.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja, C. B. E.
Shamsuddin Ahmed Khondkar, Mr.
Shamsul Huda, Maulana.
Sinclair, Mr. J. F.
Sirdar, Babu Litta Munda.
Smith, Mr. H. Brabant.
Steven, Mr. J. W. R.
Suhrawardy, the Hon'ble Mr. H. S.
Speller, Mr. J. H.
Tofel Ahmed Choudhury, Maulvi Haji.
Walker, Mr. W. A. M.
Whitehead, Mr. R. B.
Yousuf Mirza.
Yusuf Ali Choudhury, Mr.
Zahur Ahmed Choudhury, Maulvi.

The Ayes being 55, and the Noes 95, the motion was lost.

The motion that the Bengal Motor Spirits Sales Taxation Bill, as reported by the Select Committee, be taken into consideration was then put and agreed to.

*Clause 1.*

**Mr. SPEAKER:** The question before the House is that clause 1 stand part of the Bill.

**Mr. J. F. SINCLAIR:** Mr. Speaker, Sir, I beg to move that in clause 1(*3*), line 1, after the word "date," the words "not earlier than 1st April, 1942" be inserted.

Sir, my reason for moving this amendment is that in the opinion of my party money required under this Act will neither be spendable nor really needed before some date later than April, 1942. At the present time the rate of spending of the department concerned on provincial roads is Rs. 30 lakhs a year, and it would not be possible without very considerable extension of the machinery of the department to increase that rate of spending. In March, 1942, it is calculated that from the accumulations due to the province from the Road Fund there will be a balance of Rs. 14 lakhs. That is in addition to the sum accruing to the province from the Road Fund of Rs. 16 to Rs. 18 lakhs annually. It will thus be clearly seen that even if this money were collected during the coming twelve months, there would be no means of spending it. The necessity for further funds from 1942 onwards is admitted but we simply now wish that the effective date of operation of this Bill should be postponed to a date when the money really will be required and can be spent.

**Mr. SPEAKER:** Amendment No. 10 of Dr. Nalinaksha Sanyal should come with the Preamble.

**Mr. SASANKA SEKHAR SANYAL:** Why, Sir? It should come with the substantive clauses For example, I have given an amendment, No. 26.

**Mr. SPEAKER:** Is that an argument, Mr. Sanyal, that because you have given an amendment it must be correct?

**Mr. SASANKA SEKHAR SANYAL:** After all, Sir, it is a question of levy of tax.

**Mr. SPEAKER:** I can admit this if you want to move it along with the Preamble.

**Mr. JOGESH CHANDRA GUPTA:** May I make one submission, Mr. Speaker? You will find this amendment seeks to make it quite definite that the entire proceeds of the levy under section 3 in

excess of collection charges are for supplementing their receipts from the Central Road Fund for the purpose of road development in the province. These words are a little more wide. Whereas it is expedient to develop roads and make better roads, it goes further than that.

**Mr. SPEAKER:** Don't you realise, Mr. Gupta, as a lawyer that as the draft stands, it is absolutely practicable? For instance, when an Act comes into force Government may not have any difficulty for the first year. But what about subsequent years? No Government can possibly visualise now as to how the proceeds are to be spent in the year 1954. That is the difficulty.

**Mr. JOGESH CHANDRA GUPTA:** But the present amendment will make it clear.

**Mr. SPEAKER:** The mere mention "after earmarking the entire proceeds of the levy under section 3 in excess of collection charges for supplementing their receipts from the Central Road Fund for the purpose of road development in the province" does not make it clear as to how an annual levy is to be spent in subsequent years. After all it is an annual thing. I can quite understand that you are desiring to put a clog but that clog should come in the Preamble.

**Mr. JOGESH CHANDRA GUPTA:** I feel that this amendment does nothing more than to make it quite clear that the proceeds of this Sales Tax should not be spent for any other purpose within the province.

**Mr. SPEAKER:** Then it should centainly come within the Preamble.

**Mr. JOGESH CHANDRA GUPTA:** Subject to your ruling, I want to move that amendment in place of Dr. Sanyal.

**Mr. SPEAKER:** All right.

**Mr. NIHARENDU DUTTA MAZUMDAR:** Mr. Speaker, Sir, can the House have the privilege of hearing the mover of this amendment, namely, Dr. Nalinaksha Sanyal, and will you, Sir, be pleased to secure his attendance in this House with a view to enable him to move his own amendment? I submit, Sir, it is a great privilege of the House to have Dr. Sanyal.

**Mr. SPEAKER:** I find that he has left a good substitute in you! (Laughter.)

**Mr. SASANKA SEKHAR SANYAL:** Sir, I beg to move that in clause 1 (*3*), in line 3, after the word "appoint" the words and figures "not being earlier than 30th April, 1942" be inserted.

**Mr. SPEAKER:** Mr. Sanyal, your amendment is exactly the same as the one moved by Mr. Sinclair.

**Mr. SASANKA SEKHAR SANYAL:** Yes, practically the same. I have, however, a few observations to make on this question. My friend of the European Party has simply looked at the matter from one point of view, namely, that the money will not be required to be spent and it is not needed to be spent. Sir, that is not the only argument for the postponement of the date that we have proposed. Sir, we on this side of the House have always suffered from a legitimate apprehension that funds which come into the hands of the Government in the usual course of business are not spent after any careful planning. Sir, exigencies of the situation, which are synonymous with the exigencies of the electorate, loom large and Government get hold of any amount of money that comes by their way and they invest it more in their election propaganda and less for the public benefit which is required.

Sir, if the money for these 12 years gets accumulated, Government will get the advantage of really an additional nucleus for starting new roads with and necessarily, Sir, this will also call for some careful planning from the department, and the money will be obtained not from the easy resources of the people but by squeezing out the poor people. It is our duty to see that that money is properly spent, well looked after and spent after careful planning.

**Rai HARENDRA NATH CHAUDHURI:** Sir I beg to move the amendment standing in my name that in sub-clause (*3*) of clause 1, in line 1, after the word "date" and before the word "as" the expression "after the 1st of April, 1942," be inserted.

Sir, I would base my arguments on two grounds. In the first place as has been said by Mr. Sinclair the money will not be required before 1942 and that is admitted by the Government too. Sir, it is after all a taxation Act that we are called upon to pass, and we must examine the immediate necessity of such an Act. If there be no immediate necessity for passing a taxation Act, then the legislature should not be invited to pass it. In the Statement of Objects and Reasons it is stated that the accumulation in the Road Development Fund will be exhausted by 1942 and that 12 lakhs will be required from 1942. If that be the case, I cannot understand why should we be asked to pass such a taxation Act now and immediately.

My second argument would be that we all know that on account of war conditions the price of motor spirit has gone up and at this time we should be hesitant to impose further taxation on motor spirits. At least we should not pass an Act authorising the levy of the tax before the date on which the money might be required. I would therefore ask the Government to stand by its original ideas of the requirement of the situation and to accept our amendment.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, I must confess that I miss Dr. Sanyal very much in this House. I hope I shall continue to miss him so that my heart may grow fonder of him. (Laughter.)

Sir, I would like to meet Mr. Sinclair half way. We do not propose to introduce this tax before the 1st of October this year by which time the machinery for administering the Act will be ready and we shall also have schemes ready to utilise the proceeds of this tax. It is not proposed that the proceeds of this tax should be spent solely to supplement the Central Road Fund. It is meant to open new roads, but we should like to spend a certain proportion somewhere in the region of 50 per cent. on new roads which there is little chance of being affected by the existing schemes of the Central Road Fund. Honourable members are aware that schemes to the tune of Rs. 195 lakhs have already been sanctioned, and we may expect that by the end of this year Rs. 102 lakhs worth of these schemes will still remain to be completed. Now if this fund goes merely to supplement that fund, then there is very little chance of many feeder and market roads, which the various districts are clamouring for, to be opened in the near future. Hence, Sir, it is proposed that a certain proportion of this money that we raise will go to supplement the Central Road Fund and a certain proportion under the advice of the Communications Board will be utilised in various districts for the purpose of opening other important roads. These roads will all be under what is known as Mr. King's scheme and only important roads, as advised by the Communications Board, will be opened up with this fund. I would therefore request Mr. Sinclair to be good enough to withdraw his amendment and also the other honourable members to do likewise.

**Mr. J. F. SINCLAIR:** Sir, in view of the assurance given by the Hon'ble Finance Minister that the tax will not be made operative until October 1st, 1941, I beg leave to withdraw my amendment.

**The motion of Mr. J. F. Sinclair that in clause 1(3), line 1, after the word "date" the words "not earlier than 1st April, 1942," be inserted was then by leave of the House withdrawn.**

The motion of Mr. Sasanka Sekhar Sanyal that in clause 1(*3*), in line 3, after the word "appoint" the words and figures "not being earlier than 30th April, 1942," be inserted was then put and lost.

The motion of Rai Harendra Nath Chaudhuri that in sub-clause (*3*) of clause 1, in line 1, after the word "date" and before the word "as," the expression "after the 1st of April, 1942," be inserted was then put and a division taken.

(At this stage the House was adjourned for 15 minutes.)

(*After adjournment.*)

The following is the result of the division:—

**AYES—50.**

Abdul Wahed, Maulvi.
Abu Hossain Sarkar, Maulvi.
Abul Fazl, Mr. Md.
Azimuddin Ahmed, M.
Banerji, Mr. P.
Banerji, Mr. Satya Priya.
Banerjee, Dr. Suresh Chandra
Barma, Babu Promhari.
Barman, Babu Shyama Prosad.
Basu Mr. Santosh Kumar.
Bhowmik, Dr. Gobinda Chandra.
Biswas, Babu Lakshmi Narayan.
Bose, Mr. Sarat Chandra.
Chakrabarty, Mr. Jatindra Nath.
Chaudhuri, Rai Harendra Nath.
Das Gupta, Babu Khagendra Nath.
Das Gupta, Dr. J. M.
Das Gupta, Srijut Narendra Nath.
Deisi, Mr. Harendra Nath.
Dutta Gupta, Miss Mira.
Dutta Mazumdar, Mr. Niharendu.
Emdadul Haque, Kazi.
Ghose, Mr. Atul Krishna.
Ginsuddin Ahmed, Mr.
Goswami, Mr. Tulsi Chandra.
Gupta, Mr. Jogesh Chandra.
Gupta, Mr. J. N.
Hasan Ali Chowdhury, Mr. Syed.
Jalaluddin Hashemy, Mr. Syed.
Jalan, Mr. I. D.
Jonab Ali Majumdar, Maulvi.
Khan, Mr. Debendra Lall.
Maitra, Mr. Surendra Mohan.
Maji, Mr. Adwaita Kumar.
Majumdar, Mrs. Hemaprova.
Masiruzzaman Islamabadi, Maulana Md.
Maqbul Hossain, Mr.
Mullick, Srijut Ashutosh.
Nasker, Mr Hem Chandra.
Ramizuddin Ahmed, Mr.
Roy, Mr. Charu Chandra.
Roy, Mr. Kiran Sankar.
Roy, Mr. Kishori Pati.
Roy, Mr. Manmatha Nath.
Sanyal, Mr. Sasanka Sekhar.
Sen, Mr. Atul Chandra.
Sen-Gupta, Mrs. Nellie.
Shamsuddin Ahmed, Mr. M.
Sinha, Srijut Maniendra Bhusan.
Walter Rahman, Maulvi.

**NOES—37.**

Abdul Hafiz, Mr. Mirza.
Abdul Hakim, Maulvi.
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Hamid, Mr. A. M.
Abdul Jabbar, Maulvi.
Abdul Kader, Mr. (alias Lal Miah).
Abdul Majid, Maulvi.
Abdul Wahab Khan, Mr.
Abdulla-Al Mahmood, Mr.
Abdur Rahman Siddiqi, Mr.
Abdur Rashid Mahmood, Mr.
Abdur Rashed, Maulvi Md.
Abdur Rauf, Khan Bahadur Maulvi S.
Abdur Razzak, Maulvi.
Akhter Rana Chowdhury, Khan Bahadur Maulvi.
Abul Hashim, Maulvi.
Abul Hossain Ahmed, Mr.
Aftab Ali, Mr.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Ahmed Ali Mridha, Maulvi.
Ahmed Hossain, Mr.
Alfazuddin Ahmed, Khan Bahadur Maulvi.
Aminullah, Khan Sahib Maulvi.
Ashrafuli, Mr. M.
Asiad Hossain Khan, Khan Bahadur Maulvi.
Birkmyre, Sir Henry, Bart.
Biswas, Mr. Kanik Lal.
Chippendale, Mr. J. W.
Clark, Mr. I. A.
Das, Mr. Amulya Chandra.
Das, Rai Sahib Kirti Bhusan.
Dass, Babu Debendra Nath.

Ether, Mr. Upendranath.
Farhad Reza Choudhury, Mr. M.
Farhat Bano Khanam, Begum.
Fazlul Huq, the Hon'ble Mr. A. K.
Gladding, Mr. D.
Gomes, Mr. S. A.
Griffiths, Mr. C.
Gurung, Mr. Damber Singh.
Ghiasuddin Ahmed Choudhury, Alhadj.
Hafizuddin Choudhuri, Maulvi.
Hasanuzzaman, Maulvi Md.
Hashem Ali Khan, Khan Bahadur Maulvi.
Hasina Murshed, Mrs., M.B.E.
Hatemally Jamadar, Khan Sahib Maulvi.
Hendry, Mr. David.
Heywood, Mr. Rogers.
Idris Ahmed Mia, Maulvi.
Ispahani, Mr. M. A. H, M. B. E.
Jasimuddin Ahmed, Khan Sahib Maulvi.
Kabiruddin Khan, Khan Bahadur Maulvi.
Kazem Ali Mirza, Sahibzada Kawan Jah Syed.
Kennedy, Mr. I. G.
McGregor, Mr. G. C.
Maqzuddin Ahmed, Dr.
Maguire, Mr. L. T.
Mandal, Mr. Banku Behari.
Mandal, Mr. Birat Chandra.
Mandal, Mr. Jagat Chandra.
Manirudzin Akhand, Maulvi.
Mohammed Ali, Khan Bahadur.
Morgan, Mr. G., O.I.E.
Moslem Ali Mollah, Maulvi M.
Muhammad Afzal, Khan Bahadur Maulvi Syed.
Muhammad Ibrahim, Maulvi.
Muhammad Ishaque, Maulvi.
Muhammad Israil, Maulvi.
Muhammad Siddique, Khan Bahadur Dr. Syed.
Muhammad Soleiman, Khan Bahadur Maulvi.
Mullick, the Hon'ble Mr. Mukunda Behary.
Musharruf Hossain, the Hon'ble Nawab, Khan Bahadur.
Nandy, the Hon'ble Maharaja Srichandra, of Cossimbazar.
Nasarullah, Nawabzada K.
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E.
Norton, Mr. H. R.
Raikut, the Hon'ble Mr. Prasanna Deb.
Roy, Mr. Dhananjoy.
Sadaruddin Ahmed, Mr.
Sahebe-Alam, Mr. Syed.
Sarkar, Babu Madhusudan.
Sassoon, Mr. R. M.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja, C.B.E.
Shamsuddin Ahmed Khondkar, Mr.
Sinclair, Mr. J. F.
Sirdar, Babu Litta Munda.
Smith, Mr. H. Brabant.
Steven, Mr. J. W. R.
Suhrawardy, the Hon'ble Mr. H. S.
Speller, Mr. J. H.
Tofel Ahmed Choudhury, Maulvi Haji.
Walker, Mr. W. A. M.
Whitehead, Mr. R. B.
Yousuf Mirza.
Yusuf Ali Choudhury, Mr.
Zahur Ahmed Choudhury, Maulvi.

The Ayes being 50, and the Noes 97, the motion was lost.

The question that clause 1 stand part of the Bill was then put and agreed to.

*Clause 2.*

**Mr. SPEAKER:** The question before the House is that clause 2 stand part of the Bill.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, if the honourable members would be good enough to examine the amendments which have been circulated, they will find that the amendments which have been tabled in my name are really drafting changes and contain no substantial alterations.

Sir, I beg to move that sub-clause (*a*) of clause 2 be omitted.

The reason for this amendment is that no particular duty having been cast upon any importer as such, but only on wholesale and retail dealers there is no need to define an importer in this Act. The object of this amendment is to remove the word "importer" from all the clauses of the Bill.

Sir, I beg also to move that in sub-clause (*g*) of clause 2, in line 2, after the words "or keeps motor spirit for sale, to", the word "retail" be inserted, and in the last line, for the words "and not for consumption," the words "or for consumption by such dealers" be substituted.

Sir, the clause will read thus after alteration:—

> "'wholesale dealer' means any person who sells motor spirit, or keeps motor spirit for sale, to retail dealers in such spirit, for the purpose of re-sale or for consumption by such retail dealers."

This amendment is linked with two other amendments. One of the difficulties before the Select Committee was how to prevent dealers from using petrol for their own consumption and how to prevent it from escaping taxation. In the original Bill a draft of another province was inserted under which a wholesale dealer or a retail dealer was prevented from having any business of his own. That is, a retail dealer could not run a motor business or motor transport business or anything of that nature. This is in accordance with Bills as they exist in some of the other provinces. We thought that that would cause too great a hardship on the retail or wholesale dealer, and we attempted to find some way out of the difficulty. The way suggested was that we should insert a new sub-section in clause 4, namely, sub-clause (*6*). Now, Sir, we find that this is very cumbersome, and if we just change the definition of "wholesale dealer" and add a proviso after clause (*1*) of section 3 which will run thus:—

> "Provided that the tax payable in respect of motor spirit sold to a retail dealer and used by such dealer for his own consumption shall be paid by such dealer."

the purpose will be sufficient. There might have been some legal difficulty in the clause, sub-section (*6*) of section 4, as it stood, namely, does a person who uses petrol for his own consumption sell to himself or not? And if he does not sell, why does he pay the tax? It is for this reason that we have changed the definition of retail dealer and wholesale dealer as proposed in this amendment, and I propose to add a proviso after section 3 of clause 1 and to accept the amendment that sub-section (*6*) of clause 4 be deleted.

**The motions of the Hon'ble Mr. H. S. Suhrawardy that sub-clause (*a*) of clause 2 be omitted,**

**and that in sub-clause (*g*) of clause (2), in line 2, after the words "or keeps motor spirit for sale, to", the word "retail" be inserted, and in the last line for the words "and not for consumption" the words "or for consumption by such dealers" be substituted, were then put and agreed to.**

The question that clause 2, as amended, stand part of the Bill, was then put and agreed to.

*Clause 3.*

**Mr. SPEAKER:** The question before the House is that clause 3 stand part of the Bill.

**Mr. SASANKA SEKHAR SANYAL:** Sir, I beg to move that in clause 3(*1*), in line 4, after the word "anna" the words "and six pies" be omitted.

My idea is to have the incidence of taxation reduced by half an anna. At the beginning of the day we heard from Mr. Banerji to my right and Mr. Abu Hossain Sarkar to my left, advancing very sensible arguments. It is clear that if a sudden rise in the price takes place, the motor transport business will suffer a great deal, because they will either have to increase their fares or they will have to make the poor persons in the villages bear the burden of this taxation. In any case, it will be disastrous. So, let us have some more money into the coffers of Government so that new things may be taken up; but let us have it by and by; let us dilute this taxation with an element of bearability in it. So, I appeal to my friends opposite to consider this question in that spirit and to accept the amendment, if possible.

**Mr. SYED JALALUDDIN HASHEMY:** Mr. Speaker, Sir, I beg to move that in clause 3(*1*), line 4, for the words "one anna and six pies," the words "six pies" be substituted.

Sir, in the original Bill it was suggested that in the case of petrol a levy at the rate of one anna and six pies per gallon will be made and in the case of motor spirit other than petrol it was suggested that a levy of six pies would be made. But the Select Committee have suggested a consolidated rate of one anna and six pies in both the cases. It is not fair, Sir. There are dealers of petrol exclusively and there are dealers of motor spirit other than spirit exclusively. So there cannot be a uniform rate of tax in both cases. I would only request the Hon'ble the Finance Minister to proceed slowly. Let him tax 2 pice per gallon, and if the Act seems to be effective, then let him raise it to one anna and then, if necessary, go further up to one anna and six pies. With this view, I suggest that the uniform rate should be 2 pice per gallon, with regard to petrol and spirits other than petrol.

**The Hon'ble Mr. H. S. SUHRAWARDY:** I wonder, Sir, if the honourable members opposite do not realise that they are speaking with the tongue in their cheek when they invoke the poor people of the villages, the poor agriculturists, as if they will pay the petrol tax,

They will not. The petrol tax will in the main fall upon the people of Calcutta, and it will be utilised for the benefit of the poor people, the agriculturists in the main. There is no question of the poor people paying the tax, and it is one of the reasons why this tax has been imposed in all the provinces, because it conforms to the standard that persons who can bear the taxation should pay it for the benefit of those who cannot. Therefore, Sir, there is no justification whatsoever in decreasing the taxation in the interests of the poor people.

So far as the argument of Mr. Hashemy is concerned, I am afraid he has not realised that motor spirit is almost identical with petrol, and it is not proposed to tax any other kind of motor spirit. Diesel oil, which it was intended to tax at the rate of one anna and six pies, is a heavy oil used mostly for driving stationary internal combustion engines and not for vehicles that are generally used on the roads. The reason why Diesel oil has been exempted is that it is not a road oil and, secondly, it is used very largely for industrial purposes and for producing electricity. Both of these will be penalised if Diesel oil is taxed. I see really no substance in the amendments that have been moved, and I hope that the honourable members will be disposed to withdraw them.

The motion of Mr. Sasanka Sekhar Sanyal that in clause 3(*1*), in line 4, after the word "anna" the words "and six pies" be omitted, was then put and lost.

The motion of Mr. Syed Jalaluddin Hashemy that in clause 3(*1*), line 4, for the words "one anna and six pies" the words "six pies" be substituted, was then put and lost.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, I beg to move that after sub-clause (*1*) of clause 3 the following proviso be added, namely:—

> "Provided that the tax payable in respect of motor spirit sold to a retail dealer and used by such dealer for his own consumption shall be paid by such dealer."

Sir, I have already explained the necessity for this clause.

**Mr. SPEAKER:** Mr. Suhrawardy, will you please move the other amendments to this clause standing in your name?

**The Hon'ble Mr. H. S. SUHRAWARDY:** Yes, Sir. I beg to move that in sub-clause (*2*) of clause 3, in line 2, the words "an importer or" and in line 4 and in line 9 the words "importer or" be omitted.

I also beg to move that in sub-clause (*2*) of clause 3, in line 6, after the words "on the sale" the words "or consumption" be inserted.

**Mr. JOGESH CHANDRA GUPTA :** Will the Hon'ble Minister please explain these amendments which he is moving? We have got notice only to-day and it seems to me that these amendments are very material.

**Mr. SPEAKER :** So far as amendment No. 87 is concerned, the Hon'ble Minister need not speak on it because the definition has been explained; on the other two amendments he can speak.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, I would certainly have traversed the ground which I have already traversed, had I realised that when I explained the reason for this amendment Mr. Gupta was not in the House. I have already explained why this proviso is necessary. This is consequential upon the amendment which has already been accepted by the House of the definition of "wholesale dealer" and further consequential upon my proposal to accept the amendment which has been tabled by some honourable members to delete sub-section (*6*) of section 4. The purpose of this is that a retail dealer who may use petrol for his own consumption shall not escape taxation. A retail dealer may purchase from a wholesale dealer, and he will of course collect the tax from his own purchaser, but if he uses it himself then he escapes taxation, and the purpose of this proviso is that for such petrol as he might use for his own consumption he himself should pay the tax. This is obvious and quite fair and just, and it is also quite apparent.

**Rai HARENDRA NATH CHAUDHURI :** Sir, I beg to move that in clause 3(*2*), in line 9, after the words "wholesale dealer" and before the word "accordingly," the words "and not to any such retail dealers" be inserted.

Sir, even after the amendments introduced by the present amendments of Mr. Suhrawardy, I think that there is scope for the amendment that I am suggesting. I suggest that after the words "wholesale dealer" and before the word "accordingly" the words "and not to any such retail dealers" be inserted. My object is to make this taxation as much a one-point tax as possible. The object of this sub-clause is that Government may by an arrangement with a wholesale dealer tax him and may not tax the retail dealer. If that be the object of Government, then the point should be made further clear by the insertion of these words. Otherwise, I apprehend that it may not be construed by the courts that it is a one-point tax.

The motion of the Hon'ble Mr. H. S. Suhrawardy that after sub-clause (*1*) of clause 3 the following proviso be added, namely:—

"Provided that the tax payable in respect of motor spirit sold to a retail dealer and used by such dealer for his own consumption shall be paid by such dealer,"

was then put and agreed to.

The motion of the Hon'ble Mr. H. S. Suhrawardy that in sub-clause (*2*) of clause 3, in line 2, the words "an importer or" and in line 4 and in line 9 the words "importer or" be omitted, was then put and agreed to.

The motion of the Hon'ble Mr. H. S. Suhrawardy that in sub-clause (*2*) of clause 3, in line 6, after the words "on the sale," the words "or consumption" be inserted, was then put and agreed to.

**Mr. SASANKA SEKHAR SANYAL:** So far as amendment No. 89 is concerned, Sir, the Hon'ble Minister has not yet replied.

**The Hon'ble Mr. H. S. SUHRAWARDY:** My reply to that is that it is wholly unnecessary. I have stated definitely that it shall apply to the wholesale dealer accordingly. Can a taxation measure apply to anybody else who is specifically not mentioned in the Act? Is it necessary to add thereto "and not to the retail dealer"?

**Rai HARENDRA NATH CHAUDHURI:** It is necessary.

**The Hon'ble Mr. H. S. SUHRAWARDY:** I submit that it is not. I think that a tax cannot be levied against a person who is not specifically mentioned. I think it is wholly unnecessary.

The motion of Rai Harendra Nath Chaudhuri that in clause 3(*2*), in line 9, after the words "wholesale dealer" and before the word "accordingly," the words "and not to any such retail dealers" be inserted was then put and lost.

**Mr. J. F. SINCLAIR:** Sir, I beg to move that after clause 3(*3*) the following new sub-clauses be added, namely—

"(*4*) no tax shall be levied under this Act on the sale of any motor spirit for the purpose of aviation."

"(*5*) If any tax payable under sub-section (*1*) is not paid within the time fixed under sub-section (*1*) of section 7, the prescribed authority may, in lieu thereof, recover any sum not exceeding double the amount of the tax so unpaid, or any smaller sum above the unpaid amount of the tax, which such authority may think it reasonable to recover."

I propose to deal with the additional sub-clause first. It needs only a simple explanation. The proceeds of this tax are to be devoted to the construction of new roads. The intention is that the road-users should pay for their roads to the extent of the proceeds of this tax at any rate. The users of aerodromes are by no means road-users and, moreover, in this province 95 per cent. of the money that would be available from sales of motor spirit for the purpose of aviation, would represent tax collected from sales on aerodromes that are maintained by the Government of India and not by the Government of Bengal. I think I have said almost enough to convince the House that this amendment is necessary and salutary.

This additional clause in section 3 is linked up with 10(*d*) and is simply intended to make the penalty for late submission of accounts rather less onerous than it is in the Bill as amended by the Select Committee. I have therefore no doubt that this additional sub-clause will receive the full support of this House.

**Rai HARENDRA NATH CHAUDHURI :** Sir, I am sorry I have to oppose this amendment. The very argument that has been advanced by Mr. Sinclair makes it clear that it should not be accepted. Mr. Sinclair has a soft corner in his heart for the Government of India and for aviation petrol. But, Sir, I think that the Government of India in raising the tax on the motor spirit, *i.e.*, on petrol, has not excluded or exempted aviation petrol and therefore why should we go out of our way to except aviation petrol? Even if it be a fact that aviation petrol has been exempted, by the Government of India then also we should not go out of our way to support such an amendment because on account of the war the excessive price of petrol is being paid by all. Why then should not the Government of India purchase be taxed for a local purpose? The Government of India are also taxing the people as well as those things which are consumed by the Government of Bengal. If they are, then why should the Government of Bengal feel differently for the Government of India, I do not understand.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, I propose to accept the amendment. I think that Rai Harendra Nath Chaudhuri is incorrect when he states that aviation petrol is taxed by the Government of India. Aviation petrol is not so taxed. Apart from that, it does seem indefensible, nay illogical, that aviation petrol should be taxed and that the proceeds should be utilised for road purposes.

**Mr. JOGESH CHANDRA GUPTA:** There are roads which lead to the aviation ground.

**The Hon'ble Mr. H. S. SUHRAWARDY:** We will not utilise the tax for that. Apart from that, I do not think that we ought to do anything which may discourage aviation. That is a future opening for Bengalees in particular, who make excellent pilots, and I do not think that we should put in any clause which would operate as a clog upon the development of that spirit.

The motion of Mr. J. F. Sinclair that after clause 9(*3*) the following new sub-clauses be added, namely—

"(*4*) no tax shall be levied under this Act on the sale of any motor spirit for the purpose of aviation"

and

(*5*) if any tax payable under sub-section (*1*) is not paid within the time fixed under sub-section (*1*) of section 7, the prescribed authority may, in lieu thereof recover any sum not exceeding double the amount of the tax so unpaid, or any smaller sum above the unpaid amount of the tax, which such authority may think it reasonable to recover,"

was then put and a division called.

(After the ringing of the Division bell was over, Mr. J. F. Sinclair rose on a point of order.)

**Mr. SPEAKER:** What is your point?

**Mr. J. F. SINCLAIR:** Sir, I rise on a point of order. I want to know whether it is your intention to take the two parts of the amendment together or to take them up separately one after the other.

**Mr. SPEAKER:** If you want, I can bifurcate it. Personally, I think the second part should be held up now, and it would be better to take it up with clause 10. I therefore think that I should put this sub-clause (*5*) as part of clause 10. Do you agree?

**Mr. J. F. SINCLAIR:** That is not precisely what I want, because clause 10 enumerates a series of offences for which there is a provision of fines which may extend to one thousand rupees. I therefore suggest that this sub-clause relates to clause 3.

**Mr. SPEAKER:** But I think clause 3 merely relates to levy of the tax, but here it relates to composition of the penalty more or less.

**Mr. J. F. SINCLAIR:** I submit, it is still a levy of the tax.

**Mr. SPEAKER:** In that case, I think it might be taken up as a separate clause, say, clause 10A, instead of as part of clause 10.

**The Hon'ble Mr. H. S. SUHRAWARDY:** In any case we will have to examine whether it will logically fit in. This part may therefore be postponed for the present.

The motion of Mr. J. F. Sinclair that after clause 3(*3*) the following new sub-clause be added, namely:—

"(*4*) no tax shall be levied under this Act on the sale of any motor spirit for the purpose of aviation,"

was then put and a division called, with the following result:—

**AYES—83.**

Abdul Aziz, Maulana Md.
Abdul Hafiz, Mr. Mirza.
Abdul Hamid, Mr. A. M.
Abdul Jabbar, Maulvi.
Abdulla-Al Mahmood, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rahman Siddiqi, Mr.
Abdur Rasheed, Maulvi Md.
Abdur Rauf, Khan Bahadur. Maulvi S.
Abdur Razzak, Maulvi.
Abul Hashim, Maulvi.
Abul Hosain Ahmed, Mr.
Abul Quasem, Maulvi.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Ahmed Ali Mridha, Maulvi
Ahmed Hosain, Mr.
Alfazuddin Ahmed, Khan Bahadur Maulvi.
Ashrafali, Mr. M.
Aulad Hossain Khan, Khan Bahadur Maulvi.
Birkmyre, Sir Henry, Bart.
Brasher, Mr. F. C.
Chippendale, Mr. J. W.
Clark, Mr. I. A.
Das, Mr. Anukul Chandra.
Das, Rai Sahib Kirit Bhusan.
Edbar, Mr. Upendranath.
Farhad Raza Chowdhury, Mr. M.
Fazlul Huq, the Hon'ble Mr. A. K.
Gladding, Mr. D.
Griffiths, Mr. C.
Hafizuddin Choudhuri, Maulvi.
Hasanuzzaman, Maulvi Md.
Hashem Ali Khan, Khan Bahadur Maulvi.
Hatemally Jamadar, Khan Sahib Maulvi.
Hawkings, Mr. R. J.
Heywood, Mr. Rogers.
Hirtzel, Mr. M. A. F.
Idris Ahmed Mia, Maulvi.
Ispahani, Mr. M. A. H., M. B. E.
Jasimuddin Ahmed, Khan Saheb Maulvi.
Kabiruddin Khan, Khan Bahadur Maulvi.
Kazem Ali Mirza, Sahibzada Kawan Jah Syed.
Kennedy, Mr. I. G.
McGregor, Mr. G. G.
Mafizuddin Ahmed, Dr.
Mandal, Mr. Birat Chandra.
Mandal, Mr. Jagat Chandra.
Maniruddin Akhand, Maulvi.
Mohammed Ali, Khan Bahadur.
Morgan, Mr. G., C.I.E.
Moslem Ali Mollah, Maulvi M.
Muhammad Afzal, Khan Bahadur Maulvi Syed.
Muhammad Ishaque, Maulvi.
Muhammad Israil, Maulvi.
Muhammad Siddique, Khan Bahadur Dr. Syed.
Muhammad Solaiman, Khan Bahadur Maulvi.
Mullick, the Hon'ble Mr. Mukunda Behary.
Musharruf Hossain, the Hon'ble Khan Bahadur.
Mustagawsal Haque, Mr. Syed.
Nandy, the Hon'ble Maharaja Srischandra, of Cossimbazar.
Nasarullah, Nawabzada K.
Nazimuddin, the Hon'ble Khwaja Sir, K C.I.E.
Norton, Mr. H. R.
Raikut, the Hon'ble Mr. Prasanna Deb.
Razaur Rahman Khan, Mr.
Roy, Mr. Dhananjoy.
Sadaruddin Ahmed, Mr.
Sahebe-Alam, Mr. Syed.
Sarkar, Babu Mudhusudan.
Sassoon, Mr. R. M.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja, C B.E.
Shamsuddin Ahmed Khondkar, Mr.
Sinclair, Mr. J. F.
Sirdar, Babu Litta Munda.
Speller, Mr. J. H.
Steven, Mr. J. W. R.
Suhrawardy, the Hon'ble Mr. H. S.
Walker, Mr. W. A. M.
Whitehead, Mr. R. B.
Yousuf Mirza.
Yusuf Ali Choudhury, Mr.
Zahur Ahmed Choudhury, Maulv

NOES—45.

Abdul Wahed, Maulvi.
Abu Hossain Sarkar, Maulvi.
Abul Fazl, Mr. Md.
Azimuddin Ahmed, Mr.
Banerji, Mr. P.
Banerji, Mr. Satya Priya.
Barman, Babu Shyama Prasad.
Barman, Babu Upendra Nath.
Basu, Mr. Santosh Kumar.
Bhawmik, Dr. Gobinda Chandra.
Bose, Mr. Sarat Chandra.
Chaudhuri, Rai Harendra Nath.
Das, Mr. Manmohan.
Das Gupta, Babu Khagendra Nath.
Das Gupta, Srijut Narendra Nath.
Dolui, Mr. Harendra Nath.
Dutta Mazumdar, Mr. Niharendu.
Emdadul Haque, Kazi.
Ghose, Mr. Atul Krishna.
Giasuddin Ahmed, Mr.
Gupta, Mr. Jogesh Chandra.
Gupta, Mr. J. N.
Hasan Ali Chowdhury, Mr. Syed.
Jalaluddin Hashemy, Mr. Syed.
Jana, Mr. I. D.
Jonab Ali Majumdar, Maulvi.
Maitra, Mr. Surendra Mohan.
Mandal, Mr. Jogendra Nath.
Manirauzzaman Islamabadi, Maulana Md.
Maqbul Hossain, Mr.
Mullick, Srijut Ashutosh.
Naskar, Mr. Hem Chandra.
Pain, Mr. Baroda Prosanna.
Ramizuddin Ahmed, Mr.
Roy, Mr. Charu Chandra.
Roy, Mr. Kiran Sankar.
Roy, Mr. Kishori Pati.
Roy, Mr. Manmatha Nath.
Sanyal, Mr. Sasanka Sekhar.
Sen, Mr. Atul Chandra.
Sen-Gupta, Mrs. Nellie.
Shahedali, Mr.
Shamsuddin Ahmed, Mr. M.
Sinha, Srijut Maniendra Bhusan.
Wahiur Rahman, Maulvi.

The Ayes being 83 and the Noes 45, the motion was carried.

**Mr. SPEAKER:** I have further considered this matter, and I think the next sub-clause 5 legitimately comes as sub-section 3 of section 7 because the sub-clause itself mentions section 7. It says, "If any tax payable under sub-section (*1*) is not paid within the time fixed under sub-section (*1*) of section 7, etc." It should come there and until that is done, I will keep this over.

(Here Mr. Sasanka Sekhar Sanyal rose on his feet to move his amendment No. 26.)

**Mr. SASANKA SEKHAR SANYAL:** I submit, Sir, it is necessary, because clause 3 relates to the levy of the tax, and I want to make it clear how the tax so levied will be utilised.

**Mr. SPEAKER:** It is beyond the scope of the Bill because there is nothing in the Act to indicate as to the way in which it can be spent.

**Mr. SASANKA SEKHAR SANYAL:** Even if it was beyond the scope of the Bill, to-day by the proposed amendment of the Hon'ble Minister to the Preamble it is within the scope of the Bill.

**Mr. SPEAKER:** In the Preamble he has attempted to define the purpose, and therefore if you like you can draft a new sub-clause on the basis of that. All I can say is, that it is, as it is, beyond the scope of this section.

However, I am not deciding the question whether the motion itself is out of order, but I may say for the time being that it is beyond the scope of section 3.

**Mr. SASANKA SEKHAR SANYAL:** But if we accept the amendment to the Preamble as proposed by the Hon'ble Mr. Suhrawardy?

**Mr. SPEAKER:** Even then there would be nothing about expenditure.

**Mr. SASANKA SEKHAR SANYAL:** But that will define the scope of the Act.

**Mr. SPEAKER:** Your proper amendment is "roads in non-municipal areas of Bengal." It would be open to you to move an amendment to Mr. Suhrawardy's amendment that the words "in non-municipal areas" be added.

**Mr. SASANKA SEKHAR SANYAL:** But the Preamble cannot embrace all things. Here, Sir, the levy of the tax is provided for, and I propose an amendment that the tax so levied shall not be spent except for purposes as laid down.

**Mr. SPEAKER:** I am sorry, I cannot agree.

**Mr. SASANKA SEKHAR SANYAL:** Then, Sir, it may be treated in relation to the Preamble. It may stand over.

**Mr. SPEAKER:** Yes, you can move it as a part of the Preamble where it makes mention of Bengal.

I think that finishes all the amendments in clause 3.

*Clause 4.*

**Mr. SPEAKER:** The question before the House is that clause 4 stand part of the Bill.

(The Hon'ble Mr. H. S. Suhrawardy then stood up to move his amendments.)

**Mr. JOGESH CHANDRA GUPTA:** On a point of order. Mr. Speaker, Sir, we find Nos. 92, 93, 94 are all amendments by Mr. Suhrawardy, and it is very difficult, having got these amendments about half an hour ago, to understand what will be the effect of these amendments on the whole Bill. On the last occasion when I wanted to be enlightened about it, Mr. Suhrawardy was rather annoyed.

**The Hon'ble Mr. H. S. SUHRAWARDY:** I said that Mr. J. C. Gupta was not in the House when I explained.

**Mr. JOGESH CHANDRA GUPTA:** We are not as clever as the Finance Minister.

**Mr. SPEAKER:** Nor do you mean to be clever always.

**Mr. JOGESH CHANDRA GUPTA:** Yes, Sir; that is so.

Therefore, in his superior wisdom and cleverness he has thought fit to make wholesale amendments of the Bill. I think we ought to be given some time to follow why all these things have been necessitated. It passes one's comprehension that the mover of the Bill would at the last moment table not less than about two to three dozen amendments. We have not had the time to understand the implications of all these amendments, and it would not be proper to proceed with them. I make this submission for your consideration. If Mr. Suhrawardy wants us to participate in this Bill and to follow it, I think we ought to have a day's time to consider the amendments.

**Rai HARENDRA NATH CHAUDHURI:** I support Mr. Gupta. I suggest the discussion of this clause be held over till to-morrow.

**The Hon'ble Mr. H. S. SUHRAWARDY:** No, No. In the first place, Sir, I accept the compliment, but I would like to return it. I think Mr. Gupta can very well follow the implications of these amendments. Practically all the amendments that I am going to move are consequential upon the deletion of the words "as an importer or."

**Rai HARENDRA NATH CHAUDHURI:** You may not tax the importer. But why should you not think of the loss?

**Mr. SPEAKER:** Mr. Suhrawardy now realises that it is not always safe to say anything against the Opposition. His remark last time was such that Mr. Gupta had a right to feel offended.

**The Hon'ble Mr. H. S. SUHRAWARDY:** No, Sir, that remark was not offensive. Even after that remark, I went on to explain the purpose of the amendment.

**Mr. SPEAKER:** All I say is that when Government comes with short-notice amendments and wants the support of the House, it should not offend any section.

**The Hon'ble Mr. H. S. SUHRAWARDY:** I did not want to offend. As a matter of fact, I returned him the compliment, and I hope he will accept it. Mr. J. C. Gupta is quite capable of realising the purpose of these amendments.

**Mr. SPEAKER:** I do not say that it is an unparliamentary expression, but it was not very complimentary to say against some members that they were speaking with their tongue in their cheek. It is not unparliamenary, but in a debate of this character it really stiffens the opposition.

**Rai HARENDRA NATH CHAUDHURI:** It was highly indecorous.

**Mr. ATUL CHANDRA SEN:** Mr. Suhrawardy is always in a bellicose mood.

**The Hon'ble Mr. H. S. SUHRAWARDY:** I did not want to offend anybody, but I cannot appreciate the point of always trotting out the poor man on every occasion, when every member of the House realises that petrol is not used by the ordinary agriculturist.

May I point out to Mr. Gupta that the amendments which I am going to move are nothing else but the deletion of the words "as an importer or"? For instance, take amendment No. 92.

**Rai HARENDRA NATH CHAUDHURI:** You have revised sub-clause (*2*) of clause 4.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Take sub-clause (*2*) of my amendment No. 92. That is nothing else but the deletion of the words "as an importer or."

**Rai HARENDRA NATH CHAUDHURI:** That may be your idea, but our idea may be quite different.

**The Hon'ble Mr. H. S. SUHRAWARDY:** I think that Rai Bahadur ought to be good enough to accept it. (Laughter.)

**Mr. JOGESH CHANDRA GUPTA:** Mr. Rai Chaudhuri is not a Rai Bahadur. That again is offensive.

**The Hon'ble Mr. H. S. SUHRAWARDY:** I beg your pardon. I want you to accept the statement, that it is nothing else but the deletion of the words "as an importer or." If my friend would be good enough to see the clause as printed while I read the amendment

No. 92, he will see there is no difference and in half a minute he will be able to realise that I am not taking him in and I am not trying to deceive him. Will he kindly read the clause as printed?

**Mr. JOGESH CHANDRA GUPTA:** Mr. Speaker, our difficulty is this. The Hon'ble Mr. Suhrawardy thinks that we can all follow what he says, but as a matter of fact we want to take time to consider. I can only mention one instance. While opposing the amendment moved by Mr. Abu Hossain Sarkar, he said there is no incidence of any taxation on account of the small rise, but while accepting Mr. Sinclair's amendment he said, well, why should the Government of India bear the burden of those taxes. He has got two different standards. While thinking of the Government of India he has got one standard and thinking of the people of Bengal he has a different standard. That being so, when we have such contradictory statements, we would like to take a little time to find out whether there are any catches in it and whether we are being made a party to any legislation for which we may be taken to task by the public.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Really, Sir, I am not conscious of having said one thing to Mr. Abu Hossain Sarkar and another thing to Mr. Sinclair. If Mr. Gupta will be good enough to pay attention, he will find this amendment is nothing else. This is so obvious that I am certain every honourable member in this House will be able to appreciate it and particularly a member so acute as Mr. J. C. Gupta. Will he kindly consider that these amendments which I want to move are nothing else but the deletion of the words "importer or"?

**Mr. JOGESH CHANDRA GUPTA:** It is not deletion.

**The Hon'ble Mr. H. S. SUHRAWARDY:** The word "importer" has been deleted from the definition.

**Rai HARENDRA NATH CHAUDHURI:** Why should we waste time in this way? The Hon'ble Minister has proposed as many as five or six amendments to one particular clause. I would suggest that they stand over till to-morrow.

**Mr. SPEAKER:** If there is no agreement, under the rules I shall be compelled to postpone consideration of this. I have no other alternative.

As regards amendments Nos. 33-36 the recommendation of the Governor has not yet been received. So this is not in order.

Amendment No. 37 not moved.

*Clause 8A.*

**Sir HENRY BIRKMYRE:** Sir I beg to move that in clause 8A(*3*) for the word "fourteen" wherever it occurs the word "thirty" be substituted.

In their report the Select Committee suggest that only 14 days be allowed to representatives of any person carrying on business as a dealer who may have died to apply for licence to carry on the business. We feel, Sir, that this is rather hard and might cause considerable hardship to the dealers' families. So we suggest that for the word "fourteen" the word "thirty" be substituted.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, I propose to accept this amendment.

The motion of Sir Henry Birkmyre that in clause 8A(*3*) for the word "fourteen" wherever it occurs the word "thirty" be substituted, was then put and agreed to.

*Clause 9.*

**Mr. D. CLADDING:** Sir, I beg to move that in clause 9(*1*)(*b*), in lines 1 and 2, the expression "such accounts, vouchers and documents of, and" be omitted.

The reason why I make this suggestion is that the words I propose to be omitted seem to be redundant. If we look at sub-clause (*a*) of sub-clause (*1*) of clause 9, we find that it already provides for the inspection of accounts, vouchers and other documents: so I do not see why we should provide again "for inspection of such accounts, vouchers and documents" in sub-clause (*b*). All that need be done by sub-clause (*b*) is to provide what sub-clause (*a*) does not, namely, for inspection of petrol stocks. I, therefore, suggest that these redundant words be omitted.

Sir, I also beg to move that in clause 9(*2*) before the word "any" at the beginning the expression "for the purposes of sub-section (*1*)" be inserted.

The object of this amendment is to secure that the powers of entry and search which are given by sub-section (*2*) shall be confined to the purposes of this Bill. As the clause now stands, the person in question is given power to enter and search, as far as I can see, for anything that might take his fancy. He should be empowered only to search for articles falling within the purposes of the Bill.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Regarding the first amendment, may I suggest another amendment on the floor of the House. It is not intended that (*a*) and (*b*) should be exclusive of each

other, but that they should be in addition to each other. If instead of the word "or" at the end of sub-clause (*a*) the word "and" is used, I think that it will express the object of this section much better.

**Mr. SPEAKER:** Have you put in any amendment to that effect?

**The Hon'ble Mr. H. S. SUHRAWARDY:** I don't think I have put in any amendment to that effect. I was thinking of the amendment moved by Mr. Gladding, and I submit that if for the word "or" the word "and" is substituted, it would be better drafting.

**Mr. SPEAKER:** You want both the clauses.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Yes, Sir.

**Rai HARENDRA NATH CHAUDHURI:** If "and" be there, it would mean first of all that there should be a requisition for the production of accounts and there should be inspection of accounts. Without requiring any accounts to be produced, no inspection will be possible.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sub-clause (*a*) requires the wholesale dealer to make available for inspection his accounts, etc. If he does not make them available for inspection, we cannot inspect them. We do not intend to rush into his shop without asking him anything at all and start inspecting the accounts. I should like to give him due notice to make the accounts available for inspection and then go and inspect them.

**Mr. SPEAKER:** But you have redrafted clause (*f*) in amendment No. 105.

**Rai HARENDRA NATH CHAUDHURI:** He has forgotten that.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Yes, Sir.

**Mr. SPEAKER:** Will that serve the purpose of amendment No. 105?

**The Hon'ble Mr. H. S. SHURAWARDY:** No; because that amendment was for just the deletion of the words "importer or."

**Mr. SPEAKER:** You want to substitute the word "and" for the word "or" at the end of sub-clause (*a*)?

**The Hon'ble Mr. H. S. SUHRAWARDY:** Yes, Sir. I would request Mr. Gladding to withdraw his amendment (42-45) as I propose to substitute the word "and" for the word "or" in amendment No. 105 which I propose to move to clause 9. With regard to amendment (46-49) I have no objection.

**Mr. D. GLADDING:** In view of the Hon'ble Minister's statement that he proposes to substitute the word "and" for the word "or" at the end of sub-clause 1 (*a*), I beg permission to withdraw my amendment No. 42-45.

The motion of Mr. D. Gladding that in clause 9(*1*)(*b*), in lines 1 and 2, the expression "such accounts, vouchers and documents of, and" be omitted, was then by leave of the House withdrawn.

**Mr. SPEAKER:** I find some difficulty so far as amendment No. 46-49, moved by Mr. Gladding, is concerned. I think the best idea is to substitute the words "for the purposes of this Act."

**The Hon'ble Mr. H. S. SUHRAWARY:** Perhaps that would be the best, Sir.

**Mr. SPEAKER:** Then, for the words "for the purposes of sub-section (*1*)", your draft is "for the purposes of this Act." I would like to say that this is creating a lot of difficulty. May I ask you, Mr. Suhrawardy, to come prepared in future so that you may not have to redraft the whole thing here. If these short-notice amendments are made here at this stage, members are merely confused by the mass of such amendments.

**The Hon'ble Mr. H. S. SUHRAWARDY:** I too am confused, Sir.

**Mr. JOGESH CHANDRA GUPTA:** When even Mr. Suhrawardy is confused, let us now postpone the matter.

**Mr. SPEAKER:** I think the substitution of the words "for the purposes of this Act" in place of "for the purposes of sub-section (*1*)" would be better.

**Mr. D. GLADDING:** In that case, I have no objection to beg for leave to withdraw my second amendment.

The motion of Mr. D. Gladding that in clause 9 (*2*) before the word "any" at the beginning the expression "for the purposes of sub-section (*1*)" be inserted, was then by leave of the House withdrawn.

(The debate on clause 9 was closed at this stage and clause 10 was taken up.)

*Clause 10.*

**Mr. SPEAKER:** The question before the House is that clause 10 stand part of the Bill.

**Mr. J. F. SINCLAIR:** Mr. Speaker, Sir, I beg to move that in clause 10, paragraph (*aa*) be omitted.

With the omission of clause 4(*6*), as suggested by the Hon'ble the Finance Minister, clause 10, paragraph (*aa*), becomes superfluous.

**The Hon'ble Mr. H. S. SUHRAWARDY:** This is consequential, Sir, and it will have to go.

The motion of Mr. J. F. Sinclair that in clause 10, paragraph (*aa*) be omitted, was then put and agreed to.

**Mr. J. F. SINCLAIR:** Mr. Speaker, Sir, I beg to move that in clause 10, for paragraph (*c*), the following be substituted, namely:—

"(*c*) fails to submit any return as required by clause (*b*) of section 5 or by section 8 or submits a false return; or."

Sir, clause 10, sub-section (*c*), as it stands, provides for the imposition of a penalty for a number of offences including the late submission of returns. The late submission of returns has now been covered by an amendment which has been accepted, although its final place under clause 3 has not yet been decided. It is in the form of a new sub-section (*5*), and with the addition of that new sub-section under clause 3, clause 10(*c*) becomes superfluous.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, I accept the amendment.

The motion of Mr. J. F. Sinclair that in clause 10, for paragraph (*c*), the following be substituted, namely:—

"(*c*) fails to submit any return as required by clause (*b*) of section 5 or by section 8 or submits a false return; or",

was then put and agreed to.

**Mr. J. F. SINCLAIR:** Sir, I beg also to move that in clause 10, paragraph (*d*) be omitted.

Sir, I need add nothing to what I have already said on the previous amendments moved by me.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, I accept the amendment.

The motion of Mr. J. F. Sinclair that in clause 10, paragraph (*d*) be omitted, was then put and agreed to.

**Mr. P. BANERJI:** May I have your permission, Sir, to move amendment No. 66 standing in the name of Dr. Nalinaksha Sanyal.

**Mr. SPEAKER:** Yes.

**Mr. P. BANERJI:** Sir, I beg to move that in clause 10, in line 25, for the words "one thousand" the words "five hundred" be substituted.

Sir, the Hon'ble Minister has often referred to the Motor Sales Taxation Act of Bihar. There this amount is Rs. 500, and I fail to understand why he has increased to Rs. 1,000. It is quite reasonable to accept this provision of Rs. 500 in the Bihar Act. Like the provision of one anna and six pies of the Bihar Act which the Hon'ble Minister has incorporated in this Bill, I would request him to accept Rs. 500 provision made in the Bihar Act.

**Rai HARENDRA NATH CHAUDHURI:** Mr. Speaker, Sir, I beg to move that in clause 10, in line 25, for the words "one thousand rupees" the words "five hundred rupees in the case of a retail dealer or to one thousand rupees in the case of a wholesale dealer," be substituted.

Sir, my amendment suggests that the punishment which this clause provides for may extend to Rs. 1,000 in the case of wholesale dealers, but only to Rs. 500 in the case of retail dealers. It is made applicable to all the five clauses of offences enumerated in the clause, so that any act in contravention of any of the provisions of the Act may be punished in the highest degree. If that be the wide scope of this clause, then I think there is additional reason that the pitch of the punishment should be reduced, and particularly in the case of retail dealers. I, therefore, suggest that in the case of retail dealers the punishment should not extend beyond Rs. 500.

I beg also to move that in clause 10, line 27, for the word "fifty" the words "twenty-five rupees " in the case of a retail dealer and to "fifty rupees" in the case of a wholesale dealer be substituted.

Sir, for the daily fine I have proposed a reduction consistently with my proposal to reduce the general fine; I propose that in the case of retail dealers the daily fine may not extend beyond Rs. 25 and so far as wholesale dealers are concerned, I agree to retain the provision in the Bill itself.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, I see no justification for these amendments. In the first place, the courts will punish or assess that punishment which is commensurate with the crime; and there is no reason why instead of Rs. 1,000, it should be Rs. 250 or Rs. 500. The Select Committee has accepted Rs. 1,000 and even on principle——

**Rai HARENDRA NATH CHAUDHURI:** The Select Committee has only recommended.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Now, Sir, so far as figures are concerned, I have always objected to cheese-paring of this type. As regards the amendment of Mr. Rai Chaudhuri, this is a new principle, that is to say the punishment is not to fit the crime but it is to fit the criminal, and that if there are criminals of two different categories the punishment should be different. A retail dealer is not at all a child or a woman that he should be treated differently from a wholesale dealer. If the crime is not sufficiently heinous, then the punishment will be less than awarded to a person who has committed a more heinous offence. I do not see any reason why on principle I should accept the amendment of Mr. Rai Chaudhuri which will merely complicate matters, the more so as every court will have to decide whether the person is a wholesale dealer or a retail dealer.

The motion moved by Mr. P. Banerji that in clause 10, in line 25, for the words "one thousand," the words "five hundred" be substituted, was then put and lost.

The motion of Rai Harendra Nath Chaudhuri that in clause 10, in line 25, for the words "one thousand rupees" the words "five hundred rupees in the case of a retail dealer or to one thousand rupees in the case of a wholesale dealer" be substituted, was then put and lost.

The motion of Rai Harendra Nath Chaudhuri that in clause 10, line 27, for the word "fifty" the words "twenty-five rupees in the case of a retail dealer and to fifty rupees in the case of a wholesale dealer" be substituted, was then put and lost.

**Mr. R. M. SASSOON:** On a point of order, Sir. Mr. Sinclair wanted to move amendment 62-65. He was actually on his legs, waiting to address you, but you moved from one page to another and it was difficult to follow what was going on.

**Mr. SPEAKER:** Amendment No. 58-61 was moved and accepted, and I put it before the House. I am going *seriatim*. Each one was moved or accepted and put before the House and declared and then I proceed to the next amendment.

**Mr. R. M. SASSOON:** But, Sir, Mr. Sinclair was waiting to address you with regard to amendment No. 62-65.

**Mr. SASANKA SEKHAR SANYAL:** Bad luck! (Laughter.)

*Clause 18.*

**Mr. SASANKA SEKHAR SANYAL:** Sir, I beg to move that in clause 18(*1*)(*b*), for paragraphs (*i*) and (*ii*) the following be substituted, namely:—

> "to the Sessions Judge of the district or any other person who, for the time being, exercises the function of a Sessions Judge of the district within the meaning of the Criminal Procedure Code (Act V of 1898)."

I beg also to move that in clause 18 (*3*), line 1, for the words "Board of Revenue," the words "High Court of Calcutta" be substituted.

Sir, my idea is to change the forum of appeal. I do not know whether you have got any experience of Magistrates' Courts nowadays, particularly after the inauguration of the present Reforms. Whatever little vestige of judicial character they possessed in the pre-Reform days, they have lost that altogether now. Each and every executive-*cum*-judicial officer has become an out-and-out executive orderly, and there is no appellate jurisdiction vested in the men remaining in them. I am a humble legal practitioner——

**The Hon'ble Mr. H. S. SUHRAWARDY:** On a point of order, Sir. I did not like to interrupt Mr. Sanyal, but I have an amendment with regard to this clause, which aims at deleting sub-clauses 1(*a*) and (*b*) leaving the question of appeal to the prescribed authority. The idea of my amendment will be that probably the same authority which will deal with the Bengal Sales Tax Bill should also deal with it, and if the House is disposed to accept my amendment, then Mr. Sanyal's amendment need not be moved.

**Mr. SASANKA SEKHAR SANYAL:** No, Sir. We see through the matter very well. We are not happy to leave the rule-making power to Government.

**Mr. ABDUR RAHMAN SIDDIQI:** On a point of order, Sir. Is the honourable member in order in casting reflection on the magistracy or the judicial officers employed by the Government? (Mr. JOGESH CHANDRA GUPTA: Rather belated!) I ask for a ruling on the point. The honourable member has made general remarks about the officers of Government employed in the administration of justice.

**Mr. SPEAKER:** If he does so in general terms, I shall be glad if Mr. Siddiqi will please help me to find out how it is unparliamentary.

**Mr. ABDUR RAHMAN SIDDIQI:** If you will permit me, Sir,——

**Mr. SPEAKER:** Not by argument but by reference to some ruling. I shall be glad if Mr. Siddiqi will give me rulings on a point like this. As a matter of fact, my difficulty is that I have to carry out the responsibility of this Assembly alone single-handed without any legal assistance whatsoever in the matter of finding out these things. I might say that I asked Government long ago that I should be given a legal assistant who will help me in finding out materials for this purpose. The matter is still under their consideration. I feel that there should be proper legal assistance to the Speaker for finding out constitutional practices on an issue like this, but I have no such staff for that. I do hope that Mr. Abdur Rahman Siddiqi will help me in finding it out.

**Mr. ABDUR RAHMAN SIDDIQI:** If my assistance is needed, I declare that remarks of the character made by the honourable member are unparliamentary.

**Mr. JOGESH CHANDRA GUPTA:** Your *ipse dixit* won't do.

**Mr. SASANKA SEKHAR SANYAL:** We have considerable happiness to listen to the observations that fell from you, Sir. In the meantime, through you, Sir, may I advise my honourable friend Mr. Abdur Rahman Siddiqi that executives will be better served and protected, not by raising points of order but by laying down a standard of good conduct through the agency of this Government?

**Mr. SPEAKER:** Mr. Sanyal, will you please come to the point now?

**Mr. SASANKA SEKHAR SANYAL:** Yes, Sir. My idea is to have the forum of apppeal, not in the magistracy but in the judiciary which is independent of the Bengal Government as laid down in the Regulation, because I am not happier by the interruption of Mr. Suhrawardy when he says that the prescribed authority will hear appeals and the prescribed authority will be determined by rules. We have already suffered too much under the tyranny of the rule-making power of Government, and I do not want to go further, and if anybody knows anything as to what the rule-making power will decide, we are dead sure that these apellate powers will not be given by Government

either to the judges or munsifs or subordinate judges, because they know to their discomfiture that at least these judicial functionaries still try to exercise and administer justice, not dictated by anybody, whereas the magistracy stands on an entirely different footing. A word of command from an Hon'ble Minister's orderly will be a sort of dictation from the powers that be. (The Hon'ble Mr. H. S. SUHRAWARDY: Very unfair.) It is very, very true nonetheless. The Hon'ble Mr. Suhrawardy is to-day sitting in the Treasury Benches. Probably he had no reason to go to the mufassal courts because he does not require to earn his livelihood by practising in the courts, but we all know, even Mr. Suhrawardy knows, in course of interpellations and in course of certain matters that came out on the floor of the House through our leader Mr. Sarat Chandra Bose. At that time Mr. Suhrawardy might have had a taste of the manner in which these executive functionaries are conducting themselves to-day. They are anything but judges. They are incapable of exercising judicial capacity. They are neither dispassionate, nor detached, nor impartial. They are simply carrying out the behests of Government, and everybody knows that the behests of Government are nothing but the whims and caprices of the Hon'ble Ministers. As a humble lawyer which you once were (Mr. SANTOSH KUMAR BASU: Not humble.) in previous days, you probably cannot visualise what a state of things has crept into existence in the mufassal courts in the magistracy. I am not exaggerating things; I am telling you the plainest of plain truths that the executive functionaries have ceased to be judges. They are so many canvassing agents on behalf of Government. So it will serve absolutely no useful purpose by giving appellate power to these officers. Let us have these things heard by judges. The Criminal Procedure Code has vested the Sessions Judge with the power of dealing with such work, and Government does not stand to lose by at least relieving the executives of a part of their work. They are already overburdened. From bitter experience I know that if I go to a magistrate's court prepared with a big criminal appeal, he does not find time to take it up. He sits in court at 3 p.m. as soon as it is 3-30 p.m.——

**Mr. SPEAKER:** Mr. Sanyal, I do not want to interrupt you, but don't you realise that, so far as clause 18 is concerned, it is not an appeal against prosecutions. That is the point to which I want to draw your attention. As a lawyer at one time myself, I know that so far as prosecutions are concerned, they are in the nature of penal provisions and as such they must be governed by the Criminal Procedure Code. This Act cannot abrogate the Criminal Procedure Code. The moment a man is convicted he is convicted under a penal provision of the Act.

**Mr. SASANKA SEKHAR SANYAL:** It is a special Act.

**Mr. SPEAKER:** This is meant only for those orders passed other than penal provisions which come under the usual Criminal Procedure Code.

**The Hon'ble Mr. H. S. SUHRAWARDY:** I have allowed Mr. Sasanka Sekhar Sanyal to ramble——

**Mr. SASANKA SEKHAR SANYAL:** Is that parliamentary? I must ask him to withdraw that expression.

**The Hon'ble Mr. H. S. SUHRAWARDY:** It is not unparliamentary.

**Mr. SPEAKER:** You should not use such language.

**Mr. SASANKA SEKHAR SANYAL:** That may be the standard of a Bengal Minister, but decency is the standard of a gentleman.

**The Hon'ble Mr. H. S. SUHRAWARDY:** The honourable member should not talk rot. He has been saying things against magistrates.

**Mr. SANTOSH KUMAR BASU:** Is the word "rot" parliamentary? It is unbecoming of a gentleman to use such language.

**Mr. SPEAKER:** That may be proper language for use in office rooms and other places, but not in a Legislature. You should not address a member in such language. I think there ought to be a certain standard observed.

**The Hon'ble Mr. H. S. SUHRAWARDY:** I would like the Opposition to observe that standard. For a member to take up this section of the Motor Sales Bill, to distort it by alleging that this section applies to appeals against conviction, and then to utilise his privileged position for a tirade against magistrates, against a body of officers, who can hardly protect themselves, who cannot protect themselves in this House, is in my opinion conduct of such a nature that I think the honourable gentleman—I use the word "honourable"—would be deserving of anything that might be said against him.

Sir, you have interpreted this section correctly, if I may presume to say so. This order refers to the order passed by officers who are administering the Act and does not refer to any conviction.

**Mr. SASANKA SEKHAR SANYAL:** May I give a reply to the point raised by you, Sir? I refuse to give any reply to the Hon'ble Minister who questions his own honourable character and reflects on others.

So far as clause 18 is concerned, I very much appreciate your point, but this Act is much wider than you apprehend it is.

**Mr. SPEAKER:** Don't you realise that this Act does not by any means intend to repeal the Criminal Procedure Code?

**Mr. SASANKA SEKHAR SANYAL:** No repealing is necessary, because it is a special Act and it creates its own special Tribunal.

**Mr. SPEAKER:** That is not an order; that is a conviction.

**Mr. SASANKA SEKHAR SANYAL:** That is an order.

**Mr. SPEAKER:** No. By this time you ought to realise that in the Criminal Procedure Code there is nothing like an order. There is either acquittal or conviction.

**Mr. SASANKA SEKHAR SANYAL:** May I remind you that when you have to file an appeal against conviction, you simply say that as you are aggrieved by the order of such and such date, the humble petitioner prefers an appeal on the following grounds?

**Mr. SPEAKER:** I do not remember. In any case, here is an explanation from Government that they do not mean this section to be utilised in such a way as to abrogate the Criminal Procedure Code.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Will you be good enough to see sub-clause (*4*)?

**Mr. SASANKA SEKHAR SANYAL:** Even if it is a revenue order, I stand on the same footing. My arguments go home even in respect of that.

**Mr. SPEAKER:** That is your lookout.

The motions of Mr. Sasanka Sekhar Sanyal that in clause 18(*1*)(*b*), for paragraphs (*i*) and (*ii*) the following be substituted, namely:—

> "to the Sessions Judge of the district or any other person who for the time being, exercises the functions of a Sessions Judge of the district within the meaning of the Criminal Procedure Code (Act V of 1898),"

and that in clause 18(*3*), line 1, for the words "Board of Revenue" the words "High Court of Calcutta" be substituted,

were then put and lost.

*Clause 19.*

**Mr. SPEAKER:** Amendment No. 69-72 does not arise.

**Mr. SASANKA SEKHAR SANYAL:** I beg to move that in clause 19(*2*)(*d*), in line 2, the words "every month" be omitted.

I hope the Hon'ble Minister will realise that this is necessary in the interests of drafting, because if you look at clause 8(*b*), you will find that for the word "month" the word "quarter" has been substituted by the amendment proposed by the Select Committee. It is one thing in clause 5(*b*) and another thing in clause 8(*b*), but the applicability of this section is in respect of both.

**Mr. J. F. SINCLAIR:** I beg to move that in clause 19(*2*)(*d*), in line 3, for the expression "clause (*b*) of" the words "every quarter under" be substituted.

That is a purely consequential amendment.

**The Hon'ble Mr. H. S. SUHRAWARDY:** The amendment No. 74-77 is consequential, and I accept it. Amendment No. 73 is not consequential.

The amendment of Mr. Sasanka Sekhar Sanyal that in clause 19(*2*)(*d*), in line 2, the words "every month" be omitted, was then put and lost.

The motion of Mr. J. F. Sinclair that in clause 19(*2*)(*d*), in line 3, for the expression "clause (*b*) of," the words "every quarter under" be substituted, was then put and agreed to.

**Adjournment.**

It being 7-50 p.m.——

The House was adjourned till 4 p.m. on Tuesday, the 4th February, 1940, at the Assembly House, Calcutta.

## Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Tuesday, the 4th February, 1941, at 4 p.m.

**Present:**

Mr. Speaker (the Hon'ble Sir MUHAMMAD AZIZUL HAQUE, C.I.E., Khan Bahadur) in the Chair, 8 Hon'ble Ministers and 186 members.

## STARRED QUESTIONS

**(to which oral answers were given)**

**Grant-in-aid to girls' schools in Goalundo subdivision.**

***16. Maulvi AHMED ALI MRIDHA:** Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*a*) how many girls' schools are at present existing in the subdivision of Goalundo;

(*b*) how many of them are located in areas inhabited chiefly by Muslims;

(*c*) how many of them are in receipt of Government grants;

(*d*) the amount of Government grants received by each of them;

(*e*) how many of the Government-aided schools are located in the areas referred to in (*b*);

(*f*) how many of the said schools were visited by the inspecting staff in the year 1939-40; and

(*g*) the number of visited schools which are located in areas inhabited chiefly by Muslims?

**MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq):** (*a*) 33.

(*b*) 10.

(*c*) 5.

(*d*) (1) Rajbari Urban Girls' School—Rs.33 per mensem.
(2) Sonapur Urban Girls' School—Rs.15 per mensem.
(3) Nawpara Urban Girls' School—Rs.10 per mensem.
(4) Habashpur Urban Girls' School—Rs.20 per mensem.
(5) Khagjana Urban Girls' School—Rs.10 per mensem.

(*e*) None.

(*f*) 5.

(*g*) None.

**Mr. SASANKA SEKHAR SANYAL:** On a point of order, Sir. Is it not a well-known decorum in parliamentary practice that when an Hon'ble Minister was not found in his post at the proper time and he comes later he should apologise to the Speaker?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** Well, I am apologising to the Speaker. It does not cost me anything. (Laughter.) (A voice from the Congress party benches: Don't you want to be a hero?) No. I am already so much of a hero in the Bengali newspapers that I do not like to be more.

**Mr. SPEAKER:** I hope the Hon'ble the Chief Minister will kindly refrain from such talks across the table.

**The Hon'ble Mr. A. K. FAZLUL HUQ:** Sir, it is part of my answer and therefore I am saying this.

**Maulvi AHMED ALI MRIDHA:** With reference to answer (*g*), will the Hon'ble Minister be pleased to state the reason why none of the schools which were located in areas inhabited by Muslims have been visited by the inspecting staff?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** This is one of the many disabilities which many Muslims suffer from.

**Maulvi ABU HOSSAIN SARKAR:** What are you doing then?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** Nothing, because you are interrupting. (Laughter.)

**Mr. SPEAKER:** Mr. Abu Hossain Sarkar, if you interrupt in this way, I shall have the painful necessity of seeing that you do not do it in future. There was absolutely no justification for you to interrupt. Interruptions invite replies and that brings the proceedings to a position in which it is impossible to carry on the debate.

**Maulvi ABU HOSSAIN SARKAR:** Sir, I was not interrupting——.

**Mr. SPEAKER:** Order order. No argument please. If you persist in such interruptions, I shall have the painful duty of naming you.

**Free-studentships to Scheduled Caste students in Dacca district.**

***17. Mr. DHANANJOY ROY:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to lay on the table a statement showing for the year 1940—

(*i*) the names of recognised high English schools both for boys and girls in the district of Dacca—

(1) under the Calcutta University, and

(2) under the Board of Intermediate and Secondary Education, Dacca;

(*ii*) the number of Scheduled Caste students (boys and girls) reading in those schools;

(*iii*) the number of them reading in the top four classes;

(*iv*) the names of schools in which members of the Scheduled Castes are on the teaching staff and on the Managing Committee;

(*v*) the number of free and half-free studentships granted in each school; and

(*vi*) the number of them that are enjoyed by—

(1) Caste Hindu,

(2) Muslim, and

(3) Scheduled Caste students?

(*b*) Are the Government considering the desirability of taking steps—

(*i*) for granting free-studentships liberally to the Scheduled Caste students; and

(*ii*) for securing certain percentage of Scheduled Caste members—

(1) on the teaching staff, and

(2) on the Managing Committee of each school?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** (*a*) A statement is laid on the Library table.

(*b*) (*i*) Free-studentships up to an annual limit of 15 per cent. of the enrolment of Scheduled Caste pupils are allowed in Government and

aided high English schools. Moreover stipends out of the allotment of Rs.72,000 are being shared by the pupils of high stage during the current year. These concessions are on a sufficiently liberal scale.

(*ii*) (1) Due regard is paid to the appointment of teachers in Government schools according to the communal ratio rules laid down by Government.

(2) Government are prepared to consider the matter in Government schools; for other schools they do not propose to lay down any rules.

**Babu MADHUSUDAN SARKAR:** Will the Hon'ble Minister be pleased to state whether it is a fact that those students of the schools have not been getting any stipend from any funds?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** I do not think that it is correct. If the honourable member persists in putting that question I must have notice and I will enquire.

**Mr. ANUKUL CHANDRA DAS:** With reference to answer (*b*) (*i*), is it a fact that Rs. 72,000 has not been provided in the current year's budget?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** This has been carried from year to year. In the current year's budget we have provided for additional expenditure.

**Mr. ANUKUL CHANDRA DAS:** Will the Hon'ble Minister be pleased to state whether any Scheduled Caste candidate has been appointed in the teaching staff in the year 1940?

**The Hon'ble Mr. A. K FAZLUL HUQ:** I must have notice.

### Religious instruction in guru training schools.

***18. Maulvi MANIRUDDIN AKHAND:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether under the new syllabus of 1940 religious instruction is a compulsory subject for Guru Training Examination?

(*b*) If so, is the Hon'ble Minister aware that in many guru training schools where 75 per cent. of the *guru* students or majority of them are Muslims, no Muslim teacher has yet been posted?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state what arrangement the Government have made for imparting religious instructions to students in the guru training schools of the Province?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** (*a*) Yes.

(*b*) and (*c*) There are five guru training schools which have no Muslim teacher on the staff, viz.,—

(1) Bankura Guru Training School,

(2) Garbetta Guru Training School,

(3) Nimtala Guru Training School,

(4) Tamluk Guru Training School, and

(5) Goghat Guru Training School.

The first four have at present no Muslim student in training. In the fifth a competent Muslim teacher in training teaches the subject and the Inspector writes that he will soon post a Muslim teacher there.

**Rai HARENDRA NATH CHAUDHURI:** With reference to part (*a*) of the answer, will the Hon'ble Minister be pleased to state whether religious instruction only in one form of religion is made compulsory or religious instruction of all forms of religion is made compulsory?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** The whole point is that we are ready to provide for religious instruction. In the case of Muslims it is easy to decide what that instruction will be. In the case of non-Muslims, they are at liberty to receive any kind of religious instruction that they like. We cannot decide that.

**Rai HARENDRA NATH CHAUDHURI:** Will the Hon'ble Minister be pleased to note that here the question arises in connection with the religious instruction of *Gurus* and not of students. Therefore the question is whether religious instruction for the *Gurus* is going to be provided for only in one form of religion or also in other forms of religion?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** The whole point is that the Muslims have got a definite demand and that can be met, but there is no demand from any other community. If there is a definite demand from other communities also, we will meet that.

**Rai HARENDRA NATH CHAUDHURI:** Will the Hon'ble Minister then see that in future primary schools will be only staffed by such teacher or teachers who can provide religious instruction in other forms of religion?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** That is not for us but for the School Board to decide.

**Panel for Second Maulvis in the Subordinate Educational Service.**

*19. **Mr. ABDUL KARIM:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to lay on the table a statement, showing from April, 1938, to June, 1940,—

(*i*) the names of Second Maulvis in the Subordinate Educational Service appointed in Government high English schools;

(*ii*) their qualifications; and

(*iii*) native districts?

(*b*) Is it a fact that no panel is prepared for selection of candidates for such appointments?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons thereof?

(*d*) Will the Hon'ble Minister be pleased to state whether it is a fact—

(*i*) that one Matriculate Final Madrasah passed Maulvi was appointed in Rajshahi Collegiate School in 1939 in preference to some B.A. and M.A. Final Madrasah passed candidates; and

(*ii*) that a non-Matriculate Second Maulvi has been appointed in an officiating vacancy in the Jamalpur Government High English School (Mymensingh) in preference to Matriculate candidates belonging to the same district?

(*e*) Will the Hon'ble Minister be pleased to state whether the cases of qualified Matriculate Maulvis serving in aided schools are considered for appointment in Government service?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** (*a*) A statement furnishing the information is laid on the table.

(*b*) Yes.

(*c*) The appointments in the post of Second Maulvis are made by the local controlling officers. The number of vacancies under the control of each of these officers is limited. It is not possible for each local officer to prepare a panel. The preparation of one panel by the Director of Public Instruction would interfere with the power of appointment vested in the local controlling officers.

(*d*) (*i*) A Matriculate F.M. passed Maulvi was appointed but not in preference to any B.A. or M.A. with F.M. qualification.

(*ii*) The person appointed as Second Maulvi, Jamalpur Government High School, passed the Alim, Fazil Momtazul Mohaddesin and High Madrasah Examinations of the Dacca Board which is equivalent to the Matriculation Examination. He was the best available candidate and superior to any candidate belonging to the district of Mymensingh.

(*e*) The claims of Maulvis serving in aided schools for appointments under Government are always considered provided they apply and fulfil the requirements of the posts for which they are candidates.

*Statement referred to in the reply to clause (a) of starred question No. 19, showing the names of Second Maulvis appointed in permanent and quasi-permanent vacancies in Government high schools during the period from April, 1938, to June, 1940, and their qualifications and native districts.*

| Name and designation. | Date of appointment. | Qualification. | Home district. |
|---|---|---|---|
| 1. Maulvi Md. Abu Bakr, Second Maulvi, Bogra Zilla School. | 20-8-1938 | B.A. (Arabic, Class I) | Nadia. |
| 2. Maulvi Abdul Rahman Bekhud, Second Maulvi (Urdu Teacher), Darjeeling Government High School. | 5-8-1938 | Alim, Fazil and Matric. | Azamgarh, United Provinces. |
| 3. Maulvi A. K. M. Abdul Majid, Second Maulvi, Nawab Bahadur's Institution, Murshidabad. | 20-11-1939 | Islamic I.A., passed B.A., completed F.M. course and studied M.A. course (Arabic). | Bakarganj. |
| 4. Maulvi Kazi Abdul Majid, Second Maulvi, Rajshahi Collegiate School. | 6-1-1940 | Fazil and Matriculate | Ditto. |
| 5. Maulvi Abul Faiz Qudri, Second Maulvi, Birbhum Zilla School. | 1-8-1938 | Studied up to Cambridge School Certificate Standard. | Calcutta. |
| 6. Maulvi A. T. M. Abdul Hoque, Second Maulvi, Jamalpur Government High School. | 24-1-1940 | Alim, Fazil Momtazul Mohaddesin and High Madrasah Examinations. | Noakhali. |

**Inspection of free primary schools for boys and girls in Mymensingh.**

***20. Khan Sahib HAMIDUDDIN AHMED:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*i*) the present number of (1) free and (2) aided primary schools in the district of Mymensingh;

(*ii*) the number of (1) boys and (2) girls reading therein;

(*iii*) the number of Sub-Inspectors of Schools appointed for inspection of those schools; and

(*iv*) whether the Inspecting staff visit each of the schools once in a year?

(*b*) If the answer to (*a*) (*iv*) is in the negative, will the Hon'ble Minister be pleased to state the reason therefor?

(*c*) Will the Hon'ble Minister be pleased to state whether the Government contemplate the increase in the number of Sub-Inspectors of Schools?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** (*a*) (*i*) (1) 2,592 and (2) 1,607.

(*ii*) In free Board schools—(1) 178,498 and (2) 13,077.

In aided schools—(1) 4,229 and (2) 52,456.

(*iii*) 21.

(*iv*) Yes.

(*b*) Does not arise.

(*c*) There is under consideration a scheme for the reorganisation of the Inspectorate including the appointment of a larger number of Primary Inspectors in place of the existing Sub-Inspectors of Schools

### Purchase of jute by Government.

***21. Dr. SURESH CHANDRA BANERJEE:** (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state—

(*i*) what has happened to the fifty thousand bales of jute that the Government purchased a few months back;

(*ii*) what was the cost of purchase of those fifty thousand bales;

(*iii*) how much out of this purchase money has already been recovered;

(*iv*) how much more is likely to come; and

(*v*) whether there is any likelihood of there being any loss?

(*b*) If the answer to (*a*) (*v*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) what is the probable amount of such loss; and

(*ii*) how the Government propose to meet this loss?

**The Hon'ble Mr. H. S. SUHRAWARDY (on behalf of the Hon'ble Mr. Tamizuddin Khan):** (*a*) (*i*) They are being held in store.

(*ii*) Rs.28,97,872-15-3.

(*iii*) Nil.

(*iv*) and (*v*) There is no intention to dispose of this stock at present and no question of profit or loss now arises. The day-to-day value of this stock varies according to the market quotations. What may be the ultimate profit or loss on this transaction cannot be stated now and will not be known until Government decide to sell this jute.

(*b*) Does not arise.

**Mr. SYED JALALUDDIN HASHEMY:** Will the Hon'ble Minister be pleased to state the amount spent up to date for storage and insurance?

**The Hon'ble Mr. H. S. SUHRAWARDY:** I must have notice of that. It is not any considerable amount.

**Dr. SURESH CHANDRA BANERJEE:** Will the Hon'ble Minister be pleased to state what will be the present market value of jute?

**The Hon'ble Mr. H. S. SUHRAWARDY:** It is very difficult to say.

**Maulvi ABU HOSSAIN SARKAR:** Will the Hon'ble Minister be pleased to state why the Government is not selling the jute already stored?

**The Hon'ble Mr. H. S. SUHRAWARDY:** Because the Government does not want to overload the market and depress the price of jute still further.

**Mr. SURENDRA NATH BISWAS:** Will the Hon'ble Minister be pleased to state what was the cost price of jute and what is the present market price?

**The Hon'ble Mr. H. S. SUHRAWARDY:** I have already told you that it is very difficult to say. The cost price of jute is given here (showed the answer paper).

**Dr. SURESH CHANDRA BANERJEE:** What is the price per bale? (At this stage many members began to speak simultaneously.)

**Mr. SPEAKER:** You are not prepared to hear the Hon'ble Minister to the full.

**Mr. SASANKA SEKHAR SANYAL:** He is also not prepared to hear us.

**Mr. SANTOSH KUMAR BASU:** On a point of order, Sir. Will the waving of the sheet by the Hon'ble Minister go down in the proceedings here? That is absurd.

(There were again disturbances from all sides.)

**Mr. SPEAKER:** If you want to settle it between yourselves I may leave the Chair for the time being. If you want me to settle it, you should not all make simultaneously that amount of noise which prevents me from knowing what is going on.

**Mr. SURENDRA NATH BISWAS:** Will the Hon'ble Minister be pleased to state what was the cost price of this quality of jute per maund and what is the present market price of the same quality?

**The Hon'ble Mr. H. S. SUHRAWARDY:** With reference to the first, the jute was bought in driblets of, I think, one thousand or two thousand bales at varying prices.

**Mr. SURENDRA NATH BISWAS:** What is the average price?

**The Hon'ble Mr. H. S. SUHRAWARDY:** That I do not know.

**Mr. SURENDRA NATH BISWAS:** Will the Hon'ble Minister be pleased to state whether it is a fact that the jute was purchased at about Rs. 59 per bale and that the present price of a bale of this quality of jute is not more than Rs. 40?

**The Hon'ble Mr. H. S. SUHRAWARDY:** With regard to the first item, I don't think that my friend is correct. Jute has been purchased at between Rs. 55 to Rs. 59 at varying prices, and with regard to the present price of jute, I think it is very difficult to say what the present price is, but it is certainly above Rs. 42.

**Mr. SURENDRA NATH BISWAS:** Will the Hon'ble Minister be pleased to state whether there is any possibility of the present price of this quality of jute rising to the level of the cost price?

**The Hon'ble Mr. H. S. SUHRAWARDY:** If my friend wants my opinion——

**Mr. SURENDRA NATH BISWAS:** No; I want to know what is the market position and what is the Hon'ble Minister's information.

**The Hon'ble Mr. H. S. SUHRAWARDY:** My friend wants to know my opinion about the market position. If he wants it, I will give him my opinion.

**Mr. ATUL KRISHNA GHOSE:** Will the Hon'ble Minister be pleased to state whether he has got any intention of stocking jute any further?

**The Hon'ble Mr. H. S. SUHRAWARDY:** There is no intention at the present moment, but if the exigencies of the situation demand it, I think Government should try to stock further.

**Mr. SURENDRA NATH BISWAS:** Will the Hon'ble Minister be pleased to state whether in view of the fact that there will be jute much in excess of this year's consumption, it means that will amount to——

**Mr. SPEAKER:** You are developing an argument.

**Mr. SURENDRA NATH BISWAS:** No, Sir.

**Mr. SPEAKER:** You are. You had better frame your question properly. In the meanwhile I shall ask other honourable members to put their questions.

**Mr. ATUL KRISHNA GHOSE:** Will the Hon'ble Minister be pleased to state whether this disinclination on the part of the Government is due to the fact that there will be further loss or due to the fact that they are not in a position to finance it?

**The Hon'ble Mr. H. S. SUHRAWARDY:** To what disinclination does the honourable member refer?

**Mr. SPEAKER:** What is your question, Mr. Ghose?

**Mr. ATUL KRISHNA GHOSE:** In reply to my previous question, the Hon'ble Minister stated that the Government have no further intention of stocking jute.

**Mr. SPEAKER:** No; he has not said that.

**Mr. SYED JALALUDDIN HASHEMY:** In view of the arrangement arrived at as a result of the Conference held in New Delhi on the 4th and 5th of December last, will the Hon'ble Minister be pleased to state the necessity of storing jute any further?

**The Hon'ble Mr. H. S. SUHRAWARDY:** I have already answered this question. If this jute which we have stored is released to-day, the price of jute in the general market is bound to fall and the agriculturists will get a lesser price for their jute than they are getting now.

**Mr. NISHITHA NATH KUNDU:** Will the Hon'ble Minister be pleased to state when the Government intend to release this stored jute?

**The Hon'ble Mr. H. S. SUHRAWARDY:** Government has not made up its mind, but if I can forecast what may be the possible opinion of Government, Government will certainly release this jute at a time when the release will not be detrimental to the interests of agriculturists and when the price will in all probability be equal to the price which we have already paid and which will perhaps give the Government some profit.

### Fall in the price of jute.

***22. Maulvi MUHAMMAD ISRAIL:** (*a*) Is the Hon'ble Minister in charge of the Agriculture and Industries Department aware that the price of jute has gone down to Rs. 2 to Rs. 2-8 per maund?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps are the Government contemplating to take for checking this unusual fall in prices?

**The Hon'ble Mr. H. S. SUHRAWARDY (on behalf of the Hon'ble Mr. Tamizuddin Khan):** (*a*) The average price of jute has never been as low as Rs. 2 to Rs. 2-8 per maund and is now very much higher.

(*b*) The arrangement arrived at as a result of the Conference in New Delhi on 4th/5th December, 1940, full particulars of which have been published in the Press and widely circulated in the jute-growing areas, has completely checked the fall in prices that was apprehended at the time when this question was framed. Since then mufassal prices have risen considerably and for the time being they are steady. Government however are keeping a close watch on the situation.

***23. Mr. SURENDRA NATH BISWAS:** (*a*) Is the Hon'ble Minister in charge of the Agriculture and Industries Department aware that in the course of gradual fall the price of the "middle" quality of jute has now fallen down to about Rs.4 and that of the "bottom" quality to about Rs.2-4 per maund?

(*b*) If so, why the Government did not take steps to keep up the price of those qualities of jute at a fair and economic level?

(*c*) Have the Government enquired whether the agreement made between Government and the Indian Jute Mills' Association, which body gave thereby an undertaking to purchase the "middle" quality of jute at a price not lower than Rs.8 and the "bottom" quality at a price not lower than Rs.7 per maund up till the month of December, 1940, has been respected by the mills of that Association?

(*d*) Is it a fact that the Indian Jute Mills and the Shippers have practically stopped buying jute?

**The Hon'ble Mr. H. S. SUHRAWARDY (on behalf of the Hon'ble Mr. Tamizuddin Khan):** (*a*) No. Up to the 25th November, 1940, the price of "middles" had nowhere fallen to Rs. 4. Throughout the season so far the price of "middle" quality jute, both White jute and Tossa, was well maintained. Prices had varied in the mufassal between Rs. 6-8 and Rs. 8-8 per maund according to variety and locality. The prices of "bottom" quality jute had fallen in many places but it would not be correct to say that the average price of this grade had fallen to Rs. 2-4 though this price may have been quoted in some instances for jute of extremely poor quality.

(*b*) Government took all steps within their power to maintain an economic level of prices.

(*c*) Government are well aware of the action taken by the mills to implement the agreement then in existence between the Association and Government. A number of mills made every effort to act according to that agreement but others either resorted to various methods of evasion or did very little to make that arrangement effective.

(*d*) Towards the end of November there was very little purchase of jute by mills or by balers. Government are not aware that jute is normally purchased by shippers except from *pucca* balers.

Since this question was framed the situation regarding purchase of jute by mills has completely changed as a result of the buying programme adopted at the Conference held in Delhi in December last.

**Mr. SHAHEDALI:** Will the Hon'ble Minister be pleased to state whether the Government came to any arrangement in the Conference with regard to the purchase of jute of the lower bottom quality?

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, Government have set their face against creating any jute of lower bottom quality; they think that the creation of any such quality would depress prices generally, and jute of bottom quality will be sold as lower bottom quality.

**Mr. SURENDRA NATH BISWAS:** Will the Hon'ble Minister be pleased to state whether it is a fact that the Government estimate of this year's crop will be 120 lakhs of bales, but that the total quantity which the mills under the new agreement with Government have agreed to purchase is 37½ lakhs of bales?

**The Hon'ble Mr. H. S. SUHRAWARDY:** No, Sir; that is not so. We think that 120 lakhs of bales is the probable outturn of this year's crop; 37½ lakhs of bales is to be purchased by the mills and by Government from January 15th to April 15th. They may purchase, and probably will purchase, for the remaining two and a half months of the season. Further, this 37½ lakhs of bales is not the total quantity that they will purchase. It represents only the purchase of jute of quality of bottom and above. Anything purchased by them below bottom quality will not be accounted in the 37½ lakhs of bales. I am told that some such purchases are taking place which will help in taking away some jute from the market.

**Mr. SYED JALALUDDIN HASHEMY:** With reference to answer (*c*) of question No. 23, will the Hon'ble Minister be pleased to state if Government contemplate to take action against those members of the Association who have so far either resorted to various methods of evasion or did very little to make that arrangement effective?

**The Hon'ble Mr. H. S. SUHRAWARDY:** No, Sir. In the first place, this agreement was between Government and the Association and not with the member mills. And the Association was of opinion that the member mills would fully implement the assurances which the Association had given to Government. So far as this particular agreement is concerned, it has been cancelled by a fresh agreement which has been arrived at on the 4th December.

**Mr. SURENDRA NATH BISWAS:** Will the Hon'ble Minister be pleased to state how much jute have the mills purchased up to date?

**The Hon'ble Mr. H. S. SUHRAWARDY:** I must have notice of this question.

**Mr. SURENDRA NATH BISWAS:** Will the Hon'ble Minister be pleased to state how much quantity of the bottom quality of jute, that is, jute outside the amount of 37½ lakhs of bales, as just now stated, has been purchased by the mills?

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, I would normally have stated that I would like to have notice of this question, because obviously I cannot know how much has been purchased by the mills, but I think even if I had notice of this question it would be almost impossible for me to find out how much of the purchase made by the mills is bottom quality, how much of the middle and how much of the other qualities.

**Mr. ISWAR DAS JALAN:** Is the Government aware of the fact that after the arrangement at Delhi on the 4th and 5th December last nine mills in Calcutta and the suburbs have been burned down? That is, fire broke out in no less than nine mills in Calcutta and the suburbs.

**The Hon'ble Mr. H. S. SUHRAWARDY:** I am not aware of these very distressing facts.

**Mr. SURENDRA NATH BISWAS:** In view of the answer which the Hon'ble Minister has just now given to my question that Government was not in a position to state how much quantity the mills have already purchased, will the Hon'ble Minister be pleased to state how does Government ascertain that the agreement with Government is being complied with or not?

**The Hon'ble Mr. H. S. SUHRAWARDY:** The question asked by the honourable member was of a very general nature, and in that question he wanted me to supply information as to how much jute has been purchased from the beginning of the season. Obviously, Government have not taken stock of how much has been purchased, but I am in a position to state how much the mills have purchased from the time the agreement has been arrived at up till the 15th January up to which we have received the returns. And some of these returns have also been checked. I think the mills have purchased fifteen lakhs less one and a half lakhs of bales, that is to say, 75 *minus* 7=68 lakhs of maunds of jute.

**Mr. SURENDRA NATH BISWAS:** Will the Hon'ble Minister be pleased to state whether in view of the fact that not even 50 per cent. of the jute of this year's crop has not yet been purchased by the mills, what steps Government have taken to ensure better prices for the sale of the balance of jute of this year's crop?

**The Hon'ble Mr. H. S. SUHRAWARDY:** I am not prepared to accept the proposition that not more than 50 per cent. has been purchased.

**Mr. ISWAR DAS JALAN:** Will the Hon'ble Minister be pleased to state from whom the mills purchase jute? Is it from the middlemen or from the cultivators direct?

**The Hon'ble Mr. H. S. SUHRAWARDY:** So far as I am aware, mills purchase jute through brokers.

**Mr. ISWAR DAS JALAN:** Did the mills purchase jute from the middlemen, that is, persons who have already hoarded large quantities of jute, or did they purchase from the cultivators?

**The Hon'ble Mr. H. S. SUHRAWARDY:** I repeat my answer, Sir, that the mills purchase through brokers.

**Sugarcane cultivation in Sirajganj subdivision.**

***24. Mr. ABDULLA-AL MAHMOOD:** (*a*) Is the Hon'ble Minister in charge of the Agriculture and Industries Department aware that the people of the Sirajganj subdvision specially of police-station Sirajganj and Kazipur have cultivated sugarcane in abundance?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the actual quantity of land under sugarcane cultivation?

(*c*) Does the Hon'ble Minister contemplate the establishment of a Sugar Mill at Sirajganj?

**The Hon'ble Mr. H. S. SUHRAWARDY (on behalf of the Hon'ble Mr. Tamizuddin Khan):** (*a*) Yes.

(*b*) About 1,300 acres roughly.

(*c*) No.

**Rise in the price of paddy and rice.**

***25. Mr. SURENDRA NATH BISWAS:** (*a*) Is the Hon'ble Minister in charge of the Commerce and Labour Department aware of the fact that the price of paddy and rice has risen up in Bengal without having parity with the prices of other necessaries of life?

(*b*) If so, what steps has the Provincial Board of Control taken to bring it down to keep parity with the prices of other necessaries of life?

(*c*) What steps have the Government taken or propose to take to lower the price of paddy and rice?

(*d*) Is the rise in the price of paddy and rice due to heavy export or to shortage of those articles?

(*e*) What steps are the Government considering to take to enable the poor buyers of paddy and rice in the Province to get the same at a cheaper rate?

**MINISTER in charge of the COMMERCE and LABOUR DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy):** (*a*) No. The price of other necessaries of life such as wheat, *ata*, kerosine, salt and coarse cloth has also risen. There is little disparity between the price of rice and paddy and that of other necessaries of life.

(*b*) Does not arise.

(*c*) No steps have been taken or are proposed to be taken by Government in the matter at present.

(*d*) The rise is mainly due to the shortage of stock. In fact, export suffered due to lack of shipping space.

(*e*) *Vide* (*c*) above.

### Difficulty of water transport in Jessore district.

***28. Mr. ATUL KRISHNA GHOSE:** (*a*) Will the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department be pleased to state what steps the Government have taken for the resuscitation of the rivers Nabaganga, the Bhairab and the Kapotakshi?

(*b*) Is the Hon'ble Minister aware—

(*i*) that in the district of Jessore steamers cannot ply in the area between Naldi and Lohagara and between Chaulia and Magura throughout the year;

(*ii*) that in various places of the Nabaganga particularly in the abovementioned area, people can cross the river on foot; and

(*iii*) that many jute concerns with business centre in that area have left the places?

(*c*) Will the Hon'ble Minister be pleased to state the reason for the silting up of the river Nabaganga in the area between Naldi and Lohagara?

(*d*) Is the Hon'ble Minister considering the desirability of opening a few points between Naldi and Lohagara and between Chaulia and Magura to make the river navigable till the Government are in a position to take up a comprehensive scheme to act upon?

**MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar):** (*a*) The Nabaganga river has already been improved to some extent by the Ghuznavi Cut. The Bhairab Project under execution is intended to improve the lower portion of the Bhairab river.

The possibility of further improving these two rivers along with the Kapotakshi will be examined after the contour plans are ready.

(*b*) (*i*) Yes.

(*ii*) At some places the river becomes fordable during the dry season.

(*iii*) I have no information.

(*c*) Another branch of the Nabaganga from Naldi towards Narail has improved at the cost of the older course (Naldi-Lohagara Talla).

(*d*) Investigation made so far shows that the proposal is not feasible.

## Application of Defence of India Rules on the "Desher Vanee" of Noakhali.

***27. Mr. HARENDRA KUMAR SUR:** (*a*) Has the attention of the Hon'ble Minister in charge of the Home Department been drawn to Home (Political) Department Notification No. 843P.—D., dated the 14th October, 1940, served upon the newspaper *Desher Vanee* of Noakhali directing that all matter intended for publication in the newspaper be submitted for scrutiny to the District Press Adviser, Noakhali, for a period of three months from the date of service of this order?

(*b*) If so, will the Hon'ble Minister be pleased to state whether under the order all advertisements and Government orders had also to be submitted for scrutiny before the Press Officer?

(*c*) If the answer to (*b*) is in the affirmative, is the Hon'ble Minister considering the desirability of restricting the application of the orders to the editorial columns only?

**MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin):** (*a*) Yes.

(*b*) The honourable member is referred to the terms of the order, a copy of which is placed on the Library table.

(*c*) No.

**Internment of Messrs. Nepal Chandra Bhattacharjee, Sushil Banerjee and Anil Kumar Sinha of Jessore.**

*28. **Mr. ATUL KRISHNA GHOSE:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state for what offences Messrs. Nepal Chandra Bhattacharjee, Sushil Banarjee and Anil Kumar Sinha of the district of Jessore, have been externed from the district and interned in some fixed area?

(*b*) Will the Hon'ble Minister be pleased to state—

(*i*) how they are earning their livelihood at present; and

(*ii*) whether they have applied to the Government for making any provision for them?

(*c*) Will the Hon'ble Minister be pleased to state—

(*i*) the educational qualification,

(*ii*) occupation, and

(*iii*) status,

of the gentlemen before the orders were served on them?

(*d*) Have the Government sanctioned any allowances for the maintenance of the said gentlemen and their families?

(*e*) If the answer to (*d*) is in the affirmative, will the Hon'ble Minister be pleased to state the amount that has been sanctioned for each of them?

(*f*) If no allowance has been granted to them as yet is the Hon'ble Minister considering the desirability of granting an allowance to each of them?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** (*a*) The orders were not for offences committed. The honourable member is referred to the provisions of rule 26 of the Defence of India Rules.

| | Babu N. C. Bhattacharjee. | Babu Sushil Banerjee. | Babu Anil Kumar Sinha. |
|---|---|---|---|
| (*b*) (*i*) .. | From his property and with an allowance from Government. | He is now detained in jail. | He is dependent on his father. |
| (*ii*) .. | Yes. | No. | No, but an application is understood to have been made to the District Magistrate. |
| (*c*) (*i*) .. | Matriculate. | Graduate. | Matriculate. |
| (*ii*) .. | Yard clerk under the Port Commissioners, Calcutta. | Nil. | Nil. |
| (*iii*) .. | Middle class. | Middle class. | Middle class. |
| (*d*) .. | Yes. | No. | No. |
| (*e*) .. | Rs. 10. | Does not arise. | Does not arise. |

(*f*) The honourable member is referred to my statements on this matter in this House.

**Mr. SURENDRA NATH BISWAS:** Will the Hon'ble Minister be pleased to state whether any application for allowance has been granted up till now in pursuance of the statement made by the Hon'ble Minister on the floor of this House that in some cases suitable allowances would be granted?

**Mr. SPEAKER:** You can ask only about these three persons.

**Mr. SURENDRA NATH BISWAS:** Will the Hon'ble Minister be pleased to state whether proper enquiries with regard to the cases of these persons owing to the order passed upon them have been made to find out whether suitable provisions in the shape of granting allowances to such persons and their families would be necessary?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** I will refer the honourable member to my answer (*e*).

**Application of Rabindra Mohan Sen Gupta for granting interviews with his nephews.**

*29. **Mr. PRATUL CHANDRA GANGULI:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*i*) whether Mr. Rabindra Mohan Sen Gupta arrested on the 17th July, 1940, and detained in jail under rule 129 of the Defence of India Rules was released on the 29th August, 1940; and

(*ii*) whether he had applied to the authorities concerned for granting him interviews with his nephews Babus Kshitish Das Gupta, Sailesh Das Gupta, Tuhinangsu Das Gupta and Bhabesh Das Gupta?

(*b*) If the answer to (*a*) (*ii*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the interviews were granted?

(*c*) If the answer to (*b*) is in the negative, will the Hon'ble Minister be pleased to state the reason therefor?

(*d*) Will the Hon'ble Minister be pleased to state whether Mr. Rabindra Mohan Sen Gupta had any interviews during the period he was detained in jail between 17th July, 1940, and 29th August, 1940?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** (*a*) (*i*) Yes.

(*ii*) and (*b*) Interview was asked for with Babus Sailesh Chandra Das Gupta and Bhabesh Chandra Das Gupta only. Interview with the first named was permitted but it could not be arranged as the prisoner was released on the day on which orders permitting interview were communicated.

(*c*) Does not arise.

(*d*) No.

**Mr. NIHARENDU DUTTA MAZUMDAR:** With reference to answer (*d*), will the Hon'ble Minister be pleased to state whether Mr. Rabindra Mohan Sen Gupta, during the period from 17th July, 1940, to 29th August, 1940, has asked for interviews which were refused?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** Mr. Rabindra Mohan Sen Gupta cannot apply for interview for himself. If the honourable member will kindly read the answers (*ii*) and (*b*), he will see that two gentlemen did apply of which one was allowed, but unfortunately—rather in a way, perhaps fortunate—Mr. Sen Gupta was released before the interview could actually take place.

**Mr. NIHARENDU DUTTA MAZUMDAR:** Will the Hon'ble Minister be pleased to state whether during the period between 17th July, 1940, and 29th August, 1940, anybody did apply to have an interview with Mr. Rabindra Mohan Sen Gupta?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** If the honourable member will only read the reply he will find that the answer is there already.

**Mr. NIHARENDU DUTTA MAZUMDAR:** I am afraid, the Hon'ble Minister has not quite followed me. Here in answer (*d*) the Hon'ble Minister has admitted that Mr. Sen Gupta had no interwiews with any one during the period between 17th July, 1940, and 29th August, 1940. I am asking whether any one had actually applied for interviews with Mr. Sen Gupta during that period?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** If the honourable member will only read the reply, he will find that in the answer it is admitted that two persons did apply and in the case of one the interview was sanctioned, but on the very date the permission was communicated, Mr. Sen Gupta was released and therefore he had no interview during that period.

**Mr. CHARU CHANDRA ROY:** Will the Hon'ble Minister be pleased to state why interview was not granted to Mr. Bhabesh Chandra Das Gupta?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** I ask for notice.

**Persons arrested throughout Bengal under Defence of India Rules.**

***30. Mr. PRATUL CHANDRA GANGULI:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state the names and number of persons arrested throughout Bengal on the 13th, 14th and 15th September, 1940, under the Defence of India Rules?

(*b*) Is it a fact—

(*i*) that majority of the arrested persons are ex-detenus and ex-State prisoners; and

(*ii*) that they were along with other detenus released in 1938?

(*c*) Will the Hon'ble Minister be pleased to state—

(*i*) whether any terroristic outrages (assassination of Government officers and spies and informers) have taken place in Bengal since the release of the said prisoners along with all the other detenus and State prisoners in 1938;

(*ii*) if so, how many;

(*iii*) the names of the—

(1) Government officers,

(2) spies, and

(3) informers,

assassinated since the release of detenus and State prisoners in 1938; and

(*iv*) the names of the places where the outrages took place?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** (*a*) 66. I am not prepared to supply the honourable member with the names of those arrested in public interest.

(*b*) Yes.

(*c*) (*i*) No.

(*ii*) to (*iv*) Do not arise.

**Mr. ATUL CHANDRA SEN:** How long will the Hon'ble Minister be allowed to give such arrogant replies?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** I have already amended my answer by adding "in public interest."

**Mr. SURENDRA NATH BISWAS:** Will the Hon'ble Minister be pleased to state whether there was any likelihood of a breach of the peace by these persons before they were arrested?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** I do not see why the honourable member assumes that they were arrested because there was a likelihood of a breach of the peace.

**Mr. SURENDRA NATH BISWAS:** Will the Hon'ble Minister be pleased to state what were the reasons for which these persons were arrested?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** Because they came under the purview of the Defence of India Rules.

**Mr. SURENDRA NATH BISWAS:** Will the Hon'ble Minister be pleased to state what are the grounds on which the Hon'ble Minister decided that their cases fell under the provisions of the Defence of India Rules?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** Their activities were of such a character that they came under the purview of the Defence of India Rules.

**Mr. SASANKA SEKHAR SANYAL:** In view of the answer to (*c*) (*i*) that ever since they were released there were no terroristic outrages, will the Hon'ble Minister be pleased to state what are the activities for which they were arrested *en masse* on the three days?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** The mere fact that they did not commit terroristic outrages——

**Mr. SASANKA SEKHAR SANYAL:** Sir, I have asked, what were the activities for which they were arrested?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** They were organising in a manner——

**Rai HARENDRA NATH CHAUDHURI:** Sir, the Hon'ble Minister is simply trying to evade the question by not giving a direct reply.

**Mr. SPEAKER:** I would ask you, Messrs. Sanyal and Rai Chaudhuri, to give the Hon'ble Minister a patient hearing before making an observation of that character.

**The Hon'ble Khwaja Sir NAZIMUDDIN:** Sir, they were organising in a manner for which we were apprehensive that there was a likelihood of things happening which will come under the purview of the Defence of India Act. It is not possible to disclose here all that they were doing; otherwise, I would have been in a stronger position to state them. Nor is it possible to answer a question of this character in the shape of questions and answers. It is primarily a question of policy, and if this point is raised at the time of Budget Discussion I shall deal with it fully.

**Mr. NIHARENDU DUTTA MAZUMDAR:** I rise, Sir, on a point of order with reference to this point. You do not allow questions of opinion being put to the Hon'ble Minister, and I submit, Sir, nor would it be proper for Ministers to give opinions where facts are asked for in the course of questions. In these questions we are not asking the Hon'ble Minister's opinion with regard to certain things. We are simply asking for information as to what were the activities, and I therefore draw your attention to it and would request you to guide the discussion in the proper way, so that the Hon'ble Minister may refrain from giving opinions and may supply facts for which questions are asked——

**Mr. SPEAKER:** Order, order; it is no point of order.

**Mr. SYED JALALUDDIN HASHEMY:** With reference to answer (*a*) as amended, will the Hon'ble Minister be pleased to enlighten us how the public interest will suffer if the names of the persons arrested are given to the members of the House?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** Apart from the other questions, newspapers get a chance of hero-worshipping these gentlemen.

**Mr. SASANKA SEKHAR SANYAL:** In view of the answer that was given by the Hon'ble the Home Minister that they were organising in a manner which was going to amount to a breach of the provisions of the Defence of India Rules, will the Hon'ble Minister be pleased to enlighten the House as to what was the exact provision of the Defence of India Rules which was about to be contravened by their activities or organisation?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** The honourable member, if he has read the Defence of India Rules, will find that the provisions are fairly wide to include any activity which is likely to cause a breach——.

**Mr. SASANKA SEKHAR SANYAL:** That is exactly the reason why we want a pointed answer as to which particular provision of the Defence of India Rules was going to be contravened by their activities or organisation?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** I ask for notice then.

**Maulvi ABU HOSSAIN SARKAR:** Will the Hon'ble Minister be pleased to state how hero-worshipping is offensive to him?

**Mr. SPEAKER:** That question does not arise.

**The Hon'ble Mr. A. K. FAZLUL HUQ:** It encourages terrorism.

**Mr. P. BANERJI:** Will the Hon'ble Minister be pleased to state whether it is a fact that these names appear in the newspapers as and when the persons concerned are arrested?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** It is possible, but repetition is not always a sure indication.

## UNSTARRED QUESTIONS

**(to which answers were laid on the table)**

### Theft of children by domestic servants.

**11. Mr. ATUL KRISHNA GHOSE:** (*a*) Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to state—

(*i*) how many cases of theft of children by domestic servants have been reported in the year 1938-39 in the City of Calcutta; and

(*ii*) how many of those children have been recovered?

(*b*) Is the Hon'ble Minister considering the desirability of issuing licence to persons offering themselves as domestic servants?

(*c*) If the answer to (*b*) is in the negative, will the Hon'ble Minister be pleased to state what steps he intends to take in the matter?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** (*a*) No cases of thefts of children by domestic servants were reported in 1938-39 in Calcutta.

(*b*) No.

(*c*) None.

### Assessment of primary education cess in Bogra district.

**12. Khan Bahadur MOHAMMED ALI:** (*a*) Is the Hon'ble Minister in charge of the Revenue Department aware that the primary education cess imposed in the district of Bogra is being assessed on the basis of the last valuation and not on the basis of the present revaluation?

(*b*) If so, will the Hon'ble Minister be pleased to state what steps Government propose to take to make assessment on the basis of the present valuation?

**MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy):** (*a*) Yes.

(*b*) So long as the Bengal (Rural) Primary Education Act, 1930, is not amended, education cess cannot be levied on the basis of valuation under Chapter VIIA of the Cess Act. The amendment of the former Act is under the consideration of Government.

### Halda River.

**13. Dr. SANAULLAH:** (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state whether it is in the contemplation of Government to straighten the course of the Halda river by suitable cuts?

(*b*) If so, when is it likely to be given effect to?

**The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar:** I would draw the attention of the honourable member to paragraph 1 of the Communications and Works (Irrigation) Department letter No. 34(2) T.—I., dated the 13th May, 1940, in which the information which his present question seeks to elicit was supplied to him in detail.

### Hindu Sabha Conference at Krishnagar and Government officers.

**14. Dr. NALINAKSHA SANYAL:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact that directions were issued to the Hindu officers and college and school teachers in Government service advising them not to attend the Hindu Sabha Conference held at Krishnagar on the 16th and 17th November last?

(*b*) If so, will the Hon'ble Minister be pleased to state—

(*i*) who issued such directions, if any, and what was the object of such a direction;

(*ii*) whether similar direction has ever been given to Muslim officers in connection with the holding of any conference or meeting of the Muslim League; and

(*iii*) if so, under what circumstances and where?

(*c*) Is it a fact that Muslim officers are in many cases allowed to further the cause of Muslim League in the Province while Hindu officers are not allowed to encourage the activities of the Hindu Mahasabha?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** (*a*) No order to this effect was issued from the Home Department.

(*b*) Does not arise.

(*c*) No.

**Mr. SASANKA SEKHAR SANYAL:** The answer to (*a*) is, "No order to this effect was issued from the Home Department." The question was, "Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact that directions were issued by Government?"

**Mr. SPEAKER:** The Home Minister is expected to answer only for the Home Department and not for other departments.

**Mr. SASANKA SEKHAR SANYAL:** Will the Hon'ble Minister be pleased to state whether any such order was issued by any department of the Government?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** As far as I am aware, no department of Government gave the order.

**Charge against persons arrested under Defence of India Rules.**

**15. Mr. PRATUL CHANDRA GANGULI:** Will the Hon'ble Minister in charge of the Home Department be pleased to state whether any one of the persons arrested on the 13th, 14th and 15th September, 1940, and detained in jail since then under the Defence of India Rules, had been arrested, tried and convicted for—

(*a*) (*i*) terrorist outrages since their release in 1938, and

(*ii*) if so, what are their names and where they were tried and convicted;

(*b*) (*i*) breaking any orders under the Defence of India Rules, and

(*ii*) if so, what are their names;

(*c*) (*i*) any kind of subversive activities since 1938, and

(*ii*) if so, what are their names and the sections under which they were tried; and

(*d*) (*i*) discovery of any kind of firearms or bombs or other kinds of explosives in their possession or from the houses searched in connection with the arrests of the above persons, and

(*ii*) if so, how many and where they were found?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** (*a*) (*i*), (*b*) (*i*), (*c*) (*i*) and (*d*) (*i*) No.

(*a*) (*ii*), (*b*) (*ii*), (*c*) (*ii*) and (*d*) (*ii*) Do not arise.

## Revenue from Darjeeling district.

**16. Mr. DAMBER SINGH GURUNG:** Will the Hon'ble Minister in charge of the Revenue Department be pleased to state the total revenue realised per annum under the head Land Revenue in the district of Darjeeling?

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** The average amount realised as land revenue during the last three years was Rs. 4,15,202.

## Application for permission to attend Assembly Session by Mr. Pratul Chandra Ganguli, M.L.A.

**17. Mr. PRATUL CHANDRA GANGULI:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether Mr. Pratul Chandra Ganguli, member of the Legislative Assembly, now detained in jail without trial under the Defence of India Rules, applied to the Hon'ble Home Minister on the 11th November, 1940, requesting him to allow him to attend the Assembly session commencing on the 28th November, 1940, and to take part in the proceedings?

(*b*) If so, whether the decision of the Government in the matter has been communicated to him?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** (*a*) An application to this effect, dated the 4th November, 1940, was received.

(*b*) Yes.

**Mr. NIHARENDU DUTTA MAZUMDAR:** Will the Hon'ble Minister be pleased to state what was the decision of Government with regard to Mr. Pratul Ganguli's application?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** I do not quite exactly remember what we informed him; but I believe we regretted that we could not give him permission.

**Mr. NIHARENDU DUTTA MAZUMDAR:** Will the Hon'ble Minister be pleased to ascertain the exact reply that he has sent in response to Mr. Ganguli's application and place it on the Library table?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** Sir, I can only say that I ask for notice, and if the honourable member puts another question, I will supply the information.

**Joint petition by persons detained under Defence of India Rules in the Presidency Jail.**

**18. Mr. PRATUL CHANDRA GANGULI:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether 18 persons, namely,—

(1) Mr. Pratul Chandra Ganguli,

(2) Mr. Rabindra Mohan Sen Gupta,

(3) Mr. Ashutosh Kali,

(4) Mr. Dharani Goswami,

(5) Mr. Abdul Halim,

(6) Mr. Amulya Adhikari,

(7) Mr. Narendra Nath Das,

(8) Mr. Mukunda Bhanja,

(9) Mr. Ram Prasad Mukherji,

(10) Mr. Charu Badan Chakravarty,

(11) Mr. Anil Ganguli,

(12) Mr. Rakhal Chandra Ghosh,

(13) Mr. Saroj K. Chakravarty,

(14) Mr. Prabhat Chandra Chakravarty,

(15) Mr. Radha Gobinda Bhanja,

(16) Mr. Sripati Ranjan Nandi,

(17) Mr. Upendra Nath Chowdhuri, and

(18) Mr. Khitish Chandra Bhowmik,

detained under Defence of India Rules in the Presidency Jail, submitted a joint petition on the 8th November, to the Hon'ble Home Minister informing him of their intention to resort to hunger-strike from the 25th November, 1940?

(*b*) If so, will the Hon'ble Minister be pleased to lay on the table a copy of that petition?

(*c*) Will the Hon'ble Minister be pleased to state—

(*i*) whether the Hon'ble Minister has taken any steps in the matter;

(*ii*) if so, what are they;

(*iii*) whether the prisoners have begun hunger-strike on the 25th November, 1940; and

(*iv*) if so, will the Hon'ble Minister be pleased to state the present state of health of each of the hunger-strikers?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** I refer the honourable member to my speech in the course of the debate in the House on the 28th November, 1940, and the communiques being issued in the press.

**Mr. CHARU CHANDRA ROY:** Will the Hon'ble Minister be pleased to state whether the petition submitted by these prisoners was considered by Government, and if so, what action has been taken on that petition?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** Sir, I think the reply is rather comprehensive.

**Rai HARENDRA NATH CHAUDHURI:** The reply is to this effect: "I refer the honourable member to my speech in the course of the debate in the House on the 28th November, 1940, and the *communiqués* being issued in the Press." Sir, in that speech the Hon'ble Minister held out the hope that he would consider the petition in some respects, but he did not give out any decision at all. The supplementary question will be this, whether he has issued any order on the petition or not; and if so, to what effect?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** Sir, unless I am very much mistaken, it appears that these questions refer to the condition of the prisoners at the time of the hunger-strike and my answer, I think, is clear on that point. As regards what action has been taken subsequent to that, I submit, that does not arise out of this question.

**Rai HARENDRA NATH CHAUDHURI:** Why not, Sir? You promised to take certain action. What action you have taken, that is the point.

**The Hon'ble Khwaja Sir NAZIMUDDIN:** That may be a legitimate question, I admit, but that is not the question which has been put here.

**Rai HARENDRA NATH CHAUDHURI:** No, no, the question here is what action has been taken. It arises in this way——

**Mr. SPEAKER:** Order, order. I was going to point out to the Hon'ble Minister that the question does arise, but if the House is so impatient I would pass on to the next question.

**Mr. SANTOSH KUMAR BASU:** May I just put a few supplementary questions on this point?

**Mr. SPEAKER:** I am sorry I cannot allow this sort of cross-questions. I was pointing out that the question did arise, but Mr. Rai Chaudhuri was busy in having a talk across the table with the Hon'ble Minister.

**Rai HARENDRA NATH CHAUDHURI:** I thought the Hon'ble Minister misconceived my question. That was why I was going to explain.

**Mr. SPAEKER:** No, you are not to explain. I want to impress it upon the House that once a supplementary question is put there ought not to be cross-talks between members and the Ministers, there ought to be time given to me to find out as to whether a question is properly put or not, as to whether an answer is proper or not, as to whether the Minister is properly answering a question or not. But it is for me to decide that. However, if a member intervenes like this in future, I will not allow any explaining of the matter, but will start on to the next question. This time as a special case I allow Mr. Rai Chaudhuri's question. Sir Nazimuddin, will you please answer the question?

**Rai HARENDRA NATH CHAUDHURI:** May I just offer a personal explanation to you, Sir? I thought that the Hon'ble Minister misconceived my question, and I was just explaining.

**Mr. SPEAKER:** Mr. Rai Chaudhuri, you asked what steps Government took in the matter. The Minister said the question did not arise.

**The Hon'ble Khwaja Sir NAZIMUDDIN:** On a point of order. Is any member, after a supplementary question has been put and a reply has been given, entitled to put any explanation or make any comment thereon until he has got permission to put another supplementary question?

**Mr. SPEAKER:** No, he is not; but oftentimes he puts his questions and Hon'ble Minister answers them.

**Mr. JOGESH CHANDRA GUPTA:** Let the Hon'ble Minister now answer. He is doing the Speaker's job and not his own job.

**Mr. SPEAKER:** Sir Nazimuddin, Mr. Rai Chaudhuri's question does arise as to what steps the Government took.

**The Hon'ble Khwaja Sir NAZIMUDDIN:** May I point out, Sir, that the question does not arise. I submit for your consideration that when the question (*c*) (*i*) was put in, it referred to what steps were taken by Government on the petition during the course of the hunger-strike. Otherwise, question (*c*) (*ii*) and (*iv*), namely, whether the prisoners have begun hunger-strike on the 25th November, 1940, and if so, will the Hon'ble Minister be pleased to state the present state of health of each of the hunger-strikers, would not have been put.

**Mr. SPEAKER:** There is no use arguing. I feel that the question does arise.

**The Hon'ble Khwaja Sir NAZIMUDDIN:** I submit to your decision. Certain steps have been taken and others are in the course of examination. For example, they have got complete charge of their kitchen, but still if they do not get food according to the scheduled rate, I hope to see to it in future. Permission has been given for sitting for examination and certain other steps have been taken. At the present time, I have not all the facts here, but if another question is put, I will be able in about a week's time to give a complete answer thereon.

**Rai HARENDRA NATH CHAUDHURI:** Which are the questions that are still outstanding and in respect of which no action has been taken as yet?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** Practically most of the demands; no final orders have been passed as yet.

**Mr. NIHARENDU DUTTA MAZUMDAR:** Will the Hon'ble Minister be pleased to state what is his answer with respect to question (*b*)?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** As far as I remember, the petition was read out during the course of the debate. If it was not, I have got no objection in placing it before the House.

**Mr. SANTOSH KUMAR BASU:** Do I understand the Hon'ble Minister to say that in the course of a week these matters will be settled once for all and he will make a statement in the House?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** No, Sir, I did not say that I will make a statement; but if a short-notice question is put in after 8 or 10 days I may be in a position to reply to that.

**Mr. SANTOSH KUMAR BASU:** May I remind the Hon'ble Minister that in one of his *communiqués* he has referred to certain members of this House having interviewed him in connection with the hunger-strike and steps to be taken in connection therewith, and thereafter certain steps were taken by him in consultation with certain members. Now, will the Hon'ble Minister be pleased to state before the House either to-day or a week hence what has emerged out of that consultation and if any steps are being definitely taken about that?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** That is what I am trying to point out. One or two things have been settled and action has been taken. As regards the rest, they are being examined and in about 8 or 10 days orders will be communicated.

**Drainage of water-logged areas in Dhalai and Farhadbad in Chittagong district.**

**19. Dr. SANAULLAH:** (*a*) Is the Hon'ble Minister in charge of the Communications and Works Department aware that in the villages Dhalai and Farhadbad, police-station Hathazari, district Chittagong, there are water-logged areas known as Mailla *bil*, the Kazir *bil* and the Dailla *bil*?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps the Government are contemplating to take for the drainage of the said *bils*?

(*c*) Is the Hon'ble Minister aware—

(*i*) that for several years these *bils* do not produce any paddy; and

(*ii*) that the tenants have to pay the rents without getting any crops at all?

**The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar:** (*a*) Yes.

(*b*) A rough estimate for a scheme for the improvement of these *bils* is under preparation.

(*c*) (*i*) It is not a fact that for several years these *bils* did not produce any paddy; but what normally happens is that these low-lying areas remain water-logged for several months and the cultivators do not transplant paddy except during the last part of the season. If, however, there is any untimely rain the paddy is sometimes lost. During the last 3 or 4 years, I am informed, the cultivators did actually lose the paddy they had grown but the extent of the damage is not known.

(*ii*) No.

### Re-excavation of Aurora khal in Hooghly district.

**20. Mr. TARAK NATH MUKERJEA:** Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state—

(*a*) when the work of re-excavating the Aurora *khal* in thana Khanakul, district Hooghly, is expected to be taken up;

(*b*) what steps have been taken to execute this work immediately;

(*c*) when the work is expected to be concluded; and

(*d*) what steps the Government contemplate taking for maintaining this *khal* in proper condition?

**The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar:** (*a*) In February, 1941.

(*b*) Surveys and taking sections have been completed and a detailed scheme is under preparation.

(*c*) In 1942.

(*d*) Periodical silt clearance as needed.

## GOVERNMENT BILL.

### Bengal Motor Spirit Sales Taxation Bill, 1941.

**Mr. SPEAKER:** We shall now begin with the clause regarding the date on which the Bill is to be brought into operation.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Yes, Sir. I may point out that it was on my assurance that the Act will not be brought into operation before the 1st October, 1941, that Mr. Sinclair withdrew the

amendment that was moved by him, and the other amendment regarding the 1st of April, 1942, which was moved by Mr. Sanyal was defeated. On going through the Bill I find that unless I put in an amendment to one of the clauses within the Bill itself, it will not be possible for me to bring the Act into operation from the 1st of October, 1941, but will be brought into operation as soon as the Bill is passed. Therefore, I beg to move, with your leave, for the concurrence of the House that in sub-clause (*1*) of clause 3 for the words "commencement of this Act" the words and figures "30th day of September, 1941" be substituted.

**Mr. SASANKA SEKHAR SANYAL:** On a point of order, Sir. Is that permissible, because in clause 1, sub-clause (*3*), there is a definite provision laid down, namely, "It shall come into force on such date as the Provincial Government may, by notification in the *Official Gazette*, appoint."

**Mr. SPEAKER:** Don't you see that the real operative part of the Act will not be given effect to till a certain date comes along?

**The Hon'ble Mr. H. S. SUHRAWARDY:** I shall explain, Sir. The Act will come into operation as soon as there is notification. After the Act comes into operation, we shall register the dealers and take all the preliminary steps which we will not be able to do if the Act does not come into operation. The tax, however, will not be levied until after the 30th September, 1941.

**Mr. SASANKA SEKHAR SANYAL:** I understand the point of the Hon'ble Minister. I have no mind to stand in the way, but the difficulties are there. When it is said that it shall come into force, it also includes the operative portion of the Act.

**Mr. SPEAKER:** No.

**Mr. SASANKA SEKHAR SANYAL:** "It" is collective.

**Mr. SPEAKER:** Not; if there is a specific provision in the Act itself.

**Mr. SASANKA SEKHAR SANYAL:** Every part of the Bill that is passed is equally operative.

**Mr. JOGESH CHANDRA GUPTA:** There is one point to which I want to draw your attention. It is said that it shall come into force on such date as the Provincial Government may, by notification in the *Official Gazette*, appoint. Supposing this Act comes into force from

1942 and if this is introduced in clause 3, then the tax will be leviable before the time when the Act will come into force, unless there is an amendment to the effect that the tax will be levied "not before the 30th September."

**Mr. SPEAKER:** The statute says, "after the 30th September." You say, "not before the 30th September." So by mere implication they cannot bring it into operation before that date.

**Mr. JOGESH CHANDRA GUPTA:** After the Bill has gone to the Upper House, there may be an amendment, and the Act may not come into force till the end of this year. But if in that section this provision is made, the tax will be realisable from 30th September.

**The Hon'ble Mr. H. S. SUHRAWARDY:** If there is delay in the Upper House, it will be met by an amendment to the Act.

*Clause 4.*

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, I beg to move that in sub-clause (*1*) of clause 4, in lines 2-3, the words "as an importer or" be omitted.

I also beg to move that for sub-clause (*2*) of clause 4 the following be substituted, namely:—

"(*2*) No wholesale dealer shall, except under a licence granted under this Act for carrying on business in motor spirit as a retail dealer, sell motor spirit for consumption or sale in Bengal to any person other than a wholesale or retail dealer, possessing a licence under this Act."

I also beg to move that for sub-clause (*4*) of clause 4 the following be substituted, namely:—

"(*4*) Application for licence under this Act for carrying on business in motor spirit as a wholesale or retail dealer shall be made in such form and to such authority as may be prescribed."

I also beg to move that in lines 2-4 of sub-clause (*5*) of clause 4 the words and comma "granted for the prescribed period, on payment of the prescribed fee and" be omitted.

I also beg to move that sub-clause (*6*) of clause 4 be omitted.

I have explained everything yesterday, and I hope that Mr. Gupta is satisfied.

**Rai HARENDRA NATH CHAUDHURI:** Are we now on clause 4?

**Mr. SPEAKER:** Yes. I am not taking now clause 3.

**Rai HARENDRA NATH CHAUDHURI:** Has he moved all his amendments?

**Mr. SPEAKER:** Yes.

**Rai HARENDRA NATH CHAUDHURI:** May we have our say?

**Mr. SPEAKER:** Yes.

**Rai HARENDRA NATH CHAUDHURI:** Sir, I rise to oppose the amendments that have just been moved by the Hon'ble Mr. Suhrawardy. The object of these amendments is to exclude the importer from the purview of the Act in the matter of licensing. If that is done, then the Bengal Motor Spirit Sales Taxation Bill will be something different from the other provincial Acts on which this Act is apparently based. Take, for instance, the Bombay Act. It does not exclude the importer. I believe that the Madras Act also does not exclude the importer. How then has the Hon'ble Mr. Suhrawardy come to consider the necessity of excluding the importer, so far as Bengal is concerned, I for myself cannot understand and he has not been pleased to explain that point at all. Whether out of deference to the views of the European members of this House or out of a realisation of any necessity of excluding the importer, that has got to be explained by him. But, Sir, so far as Bengal is concerned, Bengal imports a good deal of petrol and, therefore, I think that it will not be proper for the Government of Bengal to strike out a different course. Such a policy of exemption will rather come into conflict with the policy of the other provincial authorities so far as the scheme of taxing the sale of motor spirit is concerned. In such respects, I think, all the provincial authorities should follow the same policy and a similar line of action. As in the exclusion of the importers this Act would be something very different from the other Acts on which it is based, I oppose all these amendments which are going to stamp this Bengal Act with a character very different from that of the other provincial legislations on the subject.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, I pointed out yesterday that we have not excluded importers, as importers in their capacity of wholesale dealers have been included. There is no importer who is not a wholesale dealer. If there were retail dealers who were importers, that would have been a different matter. But all importers are wholesale dealers, and we have roped them in. In fact, we have accepted all importers in their capacity as wholesale dealers. There is no need to stress the point inasmuch as these two terms are synonymous. That is the reason why we are excluding importers.

**Rai HARENDRA NATH CHAUDHURI:** Then the definition of "dealer" would not be comprehensive.

**Mr. SPEAKER:** A dealer means any person, for the purpose of sale, who sells motor spirit. It means anybody.

**Mr. JOGESH CHANDRA GUPTA:** If an importer starts several pumps, he will not be a wholesale dealer, so that if he wants to avoid paying tax, he may instead of selling wholesale establish several retail shops, and then he will go out. Won't he?

**The Hon'ble Mr. H. S. SUHRAWARDY:** May I just point out, Sir, that this point does not arise? All importers are wholesale dealers and are not retail dealers. They have no retail shops of their own, but should they sell petrol retail, they will become retail dealers and will be subject to the provisions of the Act applicable to retail dealers.

**Mr. SPEAKER:** So far as dealers are concerned, any person who sells for consumption, whether wholesale or rertail, is a dealer. In case a wholesale dealer sells direct to the consumer, he comes under the category of retail dealer.

**Mr. JOGESH CHANDRA GUPTA:** Suppose a wholesale dealer does not sell to a retail dealer, what will be his position?

**Mr. SPEAKER:** When he does not come under the definition of wholesale dealer, he comes under the definition of retail dealer, for any person who sells for the purpose of consumption is a retail dealer.

**The Hon'ble Mr. H. S. SUHRAWARDY:** We do not say that a retail dealer must be a person who must purchase from a wholesale dealer. We say that a retail dealer is any person who sells for consumption to the purchaser. Therefore, if a wholesale dealer begins to sell as retail dealer, he comes in as a retail dealer and will be taxed as such.

**Mr. P. BANERJI:** Mr. Suhrawardy perhaps does not know that there are some such pumps as consumers' pumps. There are about 20 consumers'-pumps in Calcutta. They are all importers; therefore, they are also in that way retail dealers. What is the good of excluding them from this taxation altogether?

**The Hon'ble Mr. H. S. SUHRAWARDY:** I am not excluding them.

**Mr. JOGESH CHANDRA GUPTA:** Sir, I do not know whether the Hon'ble Minister has been able to understand our point. There are

pumps. Take for instance, B.O.C. or Shell pumps; they are wholesale dealers and importers, and they consume for the purpose of their own conveyances and also for their own use. There are big companies which have got their own pumps. What will happen in their case?

**Mr. SPEAKER:** He comes in either as retail dealer or as wholesale dealer.

**Mr. JOGESH CHANDRA GUPTA:** Retail dealer is one who sells to a purchaser. But when the company itself consumes petrol, it is not a purchaser.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Again, may I point out that my friend is partly right and partly wrong. We have exempted the importer from taxation for that quantity of petrol which the importer uses for the purpose of distribution. My friend knows that an importer distributes his petrol amongst various firms. The motor car in which he distributes petrol consumes a certain amount of petrol. That amount of petrol is exempted. But the amount of petrol which will be used by him for private or other purposes will not be exempted, and what he sells retail will also not be exempted.

The motions of the Hon'ble Mr. H. S. Suhrawardy—

that in sub-clause (*1*) of clause 4, in lines 2-3, the words "as an importer or" be omitted;

that for sub-clause (*2*) of clause 4 the following be substituted, namely:—

"(*2*) No wholesale dealer shall, except under a licence granted under this Act for carrying on business in motor spirit as a retail dealer, sell motor spirit for consumption or sale in Bengal to any person other than a wholesale or retail dealer, possessing a licence under this Act";

that for sub-clause (*4*) of clause 4 the following be substituted, namely:—

"(*4*) Application for licence under this Act for carrying on business in motor spirit as a wholesale or retail dealer shall be made in such form and to such authority as may be prescribed";

that in lines 2-4 of sub-clause (*5*) of clause 4 the words and comma "granted for the prescribed period, on payment of the prescribed fee and" be omitted;

that sub-clause (*6*) of clause 4 be omitted;

were then put and agreed to.

The question that clause 4, as amended, stand part of the Bill, was then put and agreed to.

*Clause 5.*

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, I beg to move that after item (*ii*) of clause 5 (*b*) the following be inserted, namely:—

"(*ii*) (*a*) the quantity consumed by him out of his own stock of motor spirit during such month."

Sir, this is consequential, and I think this will meet the point of Mr. Gupta.

The motion was then put and agreed to.

The question that clause 5, as amended, stand part of the Bill, was then put and agreed to.

*Clause 6.*

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, I beg to move that in clause 6, in line 5, after the words "sold by him in retail" the words "or consumed by him out of his own stock" be inserted.

Sir, this is also consequential.

The motion was put and agreed to.

The question that clause 6, as amended, stand part of the Bill, was then put and agreed to.

*Clause 7.*

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, may I draw your attention to amendment No. 22-25 which was an amendment to clause 3. It was decided that it should be an amendment to clause 7.

Sir, the first amendment which I shall move is of the nature of better drafting. The amendment, viz., amendment No. 22-25, was moved by an honourable member of the European Group. The proposal was to add a new sub-clause (*5*) to clause 3 and it was pointed that that amendment which, I believe, has been accepted by all sections of the House should really come in after clause 7. I now move on short notice the following amendments:—

After sub-clause (*1*) of clause 7 the following sub-clause shall be inserted, viz.—

"(*1a*) If the amount of tax is not paid within the period mentioned in sub-section (*1*), the authority referred to in clause (*b*) of section 5 may, in lieu thereof, recover any sum not exceeding double the amount of the tax so unpaid or any smaller sum in excess of the unpaid amount of the tax which such authority may think it reasonable to recover."

That for sub-clause (*2*) of clause 7 the following sub-clause shall be substituted, namely:—

"(*2*) If default is made in making payment of the amount of the tax due within the period mentioned in sub-section (*1*) or in making payment of any sum in lieu thereof referred to in sub-section (*1a*), it shall be recoverable from the person from whom it is due as an arrear of land revenue."

**Mr. SPEAKER:** Mr. Chaudhuri, do you want to move amendment No. 100 standing in your name?

**Rai HARENDRA NATH CHAUDHURI:** Does the proviso remain or does it go out, Sir?

**Mr. SPEAKER:** It remains, but the question is how your amendment can be fitted in.

**Rai HARENDRA NATH CHAUDHURI:** Sir, it relates to the proviso, and therefore I can move it.

**Mr. SPEAKER:** All right.

**Rai HARENDRA NATH CHAUDHURI:** Sir, I beg to move that in proviso to sub-clause (*1*) of clause 7, in line 2, after the word "given" and before the words "a reasonable" the following words be inserted, viz.—

"a reasonable period not less than a week and".

Sir, the proviso only makes mention of one thing, namely, that the retail dealer will be given a reasonable opportunity. It does not make mention of the time at all. To make that clear I want to insert these words, so that he may be given at least a week's time to prove the correctness and completeness of his return.

**Mr. SURENDRA NATH BISWAS:** Sir, I want to speak a few words in opposition to the amendment No. 22-25 and also the amendments just moved by the Hon'ble Mr. Suhrawardy.

Sir, I do not find any reason why there will be no tax levied on the sale of motor spirit for the purpose of aviation. (The Hon'ble Mr. H. S. SUHRAWARDY: Aviation! that is already passed.)

Sir, I am opposed to amend sub-clause (*2*) of clause 7, wherein it is provided that the tax shall be realised as an arrear of land revenue. Sir, there is already a consensus of opinion against the levying of any

tax at the present time, and a good deal of protest has been made in the press and on the platform against the imposition not only of the Finance Sales Tax but also of the Motor Spirit Sales Tax.

Now, Sir, if a new provision is made empowering Government to realise double the amount of the tax in the case of default, then that will be an additional straw on the camel's back. The public opinion is already against the imposition of a new tax. Where the tax should not have been imposed, the payer thereof will be, under the amendments just proposed by the Hon'ble Minister, bound to pay double the amount in case of default. That is a proposition which the members on this side of the House cannot agree to.

Then, Sir, with regard to the discretion of the prescribed authority which has been provided in this amendment, I submit that such a discretion should not be given to any prescribed authority. I am of opinion that if the authority who will be in charge of collecting this tax be given the power to collect any amount in his discretion in excess of the amount of arrear, then there is a likelihood of there being corruption and bribery.

On these grounds, Sir, I oppose the amendments just moved by the Hon'ble Mr. Suhrawardy and also the amendment of Sir Henry Birkmyre with regard to new sub-clause (*5*) of clause 3.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, the clause will become clumsy if we are to add the following words after the word "given," namely, "a reasonable period not less than a week and," because "reasonable opportunity" signifies that reasonable time should be given to the person to show cause. If my honourable friend so desires, I am prepared to accept his amendment without the word "reasonable," so that the retail dealer shall be given a period not less than a week.

**Mr. SANTOSH KUMAR BASU:** That is all right.

**Rai HARENDRA NATH CHAUDHURI:** I agree to the Hon'ble Minister's suggestion.

**The Hon'ble Mr. H. S. SUHRAWARDY:** In that case I am prepared to accept his amendment without the word "reasonable," so that the sentence will read as follows: the retail dealer shall be given a period not less than a week and a reasonable opportunity.

**Mr. SPEAKER:** I think that is more reasonable. (Laughter.)

The motion of Rai Harendra Nath Chaudhuri, as amended, that in proviso to sub-clause (*1*) of clause 7 in line 2, after the word "given" and before the words "a reasonable" the following words be inserted, viz.—

"a period not less than a week and,"

was then put and agreed to.

The motion of the Hon'ble Mr. H. S. Suhrawardy that in sub-clause (*1*) of clause 7 the following sub-clause shall be inserted, namely:—

"(*1a*) If the amount of tax due is not paid within the period mentioned in sub-section (*1*), the authority referred to in clause (*b*) of section 5 may, in lieu thereof, recover any sum not exceeding double the amount of the tax so unpaid, or any smaller sum in excess of the unpaid amount of the tax which such authority may think it reasonable to recover,"

was then put and agreed to.

The motion of the Hon'ble Mr. H. S. Suhrawardy that for sub-clause (*2*) of clause 7, the following sub-clause shall be substituted, namely:—

"(*2*) If default is made in making payment of the amount of tax due within the period mentioned in sub-section (*1*) or in making payment of any sum in lieu thereof referred to in sub-section (*1a*), it shall be recoverable from the person from whom it is due as an arrear of land revenue,"

was then put and agreed to.

The question that clause 7, as amended, stand part of the Bill, was then put and agreed to.

*Clause 8.*

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, I beg to move that in clause 8, in line 1, the words "importer or" be omitted.

The motion was then put and agreed to.

The question that clause 8, as amended, stand part of the Bill, was then put and agreed to.

*Clause 8A.*

**Rai HARENDRA NATH CHAUDHURI:** Sir, I beg to move that clause 8A(*1*) be omitted.

Sub-clause 8A (*1*) runs as follows:—

"No person carrying on business in motor spirit as an importer or as a wholesale or retail dealer shall sell or otherwise dispose of such business or any part or place thereof except to a person possessing an appropriate licence under this Act to carry on such business."

You will see from the provision of this sub-clause that it is the transfer of the whole business and not of the motor spirit that is contemplated here. I cannot understand, Sir, why a person who deals in motor spirit as well as in motor accessories should be compelled to sell his business in a limited market only. What is made punishable under this Act is carrying on the business of selling petrol without licence. But here in clause 8A (*1*), it is the whole business that is going to be hit, and it is provided that if the owner of the business intends to sell it, he must sell his stock of motor spirit and even the business in accessories to a person who holds a licence under the Act. Why? If a dealer in motor spirit sells his business to any person, that person cannot carry on the business of selling petrol without a licence. But, when a dealer comes to transfer his business, to gain what object of the Act must we compel him to sell his business only in a limited market? I think that wholesale and retail dealers, and particularly wholesale dealers, will be affected by this sub-clause as it now stands.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, I beg to move that in sub-clause (*1*) of clause 8A, in line 2, the words " as an importer or" be omitted.

I must confess that when I considered this amendment I also felt some of those doubts which Rai Harendra Nath Chaudhuri has raised, But that is not the real meaning. There is really no limited market. We must realise that it is not possible for a man to sell petrol publicly unless he has a licence. Therefore, if a person buys this business from another person, it is no use to him unless he has a licence. He has got to take his licence. All that this clause means is that he shall not sell the business to a person unless this person has a licence. It does not mean that he must sell the business to persons who are licence holders at present.

**Rai HARENDRA NATH CHAUDHURI:** That is the meaning.

**The Hon'ble Mr. H. S. SUHRAWARDY:** No, it is not. I too, like Rai Harendra Nath Chaudhuri, thought that this would limit the sale to the class of persons who are holding licence at the present moment, but I find that that is not so. You are not a licence-holder at the present moment and you are not selling petrol. If you wish to go and buy this business all that you have to do is to take out a licence and then you may purchase the business if you like.

**Rai HARENDRA NATH CHAUDHURI:** Why should I take a licence before actually purchasing the business?

**Mr. SPEAKER:** Otherwise the moment you buy, you will begin to sell.

**Rai HARENDRA NATH CHAUDHURI:** But the transaction may fall through.

**Mr. SPEAKER:** Wholesale dealers do not part with their business easily.

The motion of Rai Harendra Nath Chaudhuri that clause 8A (*1*) be omitted was then put and lost.

The motion of the Hon'ble Mr. H. S. Suhrawardy that in sub-clause (*1*) of clause 8A, in line 2, the words "as an importer or" be omitted was then put and agreed to.

The question that clause 8A as amended stand part of the Bill was then put and agreed to.

*Clause 9.*

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, I beg to move that for sub-clauses (*1*) and (*2*) of clause 9 the following be substituted, namely—

"9. (*1*) Any person empowered by the Provincial Government in this behalf may, for the purpose of this Act—

(*a*) require any wholesale or retail dealer to make available for for inspection at the ordinary place of business of the dealer all accounts, vouchers and other documents relating to stocks, purchases, sales and deliveries of motor spirit or to furnish any other information relating thereto; and every such wholesale and retail dealer shall comply with such requisition, and

(*b*) inspect such accounts, vouchers and documents of, and the motor spirit stocked by, any wholesale or retail dealer.

(2) For the purpose of sub-section (1), any such person specially empowered by the Provincial Government in this behalf may enter and search at any time by day or by night any building, vessel, vehicle or place in which he has reason to believe that any wholesale or retail dealer carries on business or keeps any stock of motor spirit."

Honourable members may have noticed that I have made the verbal changes in view of what took place yesterday and the amendments which I accepted yesterday.

The motion was put and agreed to.

The question that clause 9 as amended stand part of the Bill was then put and agreed to.

*Clause 9A.*

The question that clause 9A stand part of the Bill was then put and agreed to.

*Clause 10.*

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, I beg to move that for sub-clause (*a*) of clause 10 the following be substituted, namely—

"(*a*) carries on business in motor spirit as a wholesale or retail dealer at any place except under a licence granted under sub-section (1) of section 4 or when the licence granted under that sub-section in respect of such place of business is no longer in force, or".

The motion was put and agreed to.

The question that clause 10 as amended stand part of the Bill was then put and agreed to.

*Clauses 11-16.*

The question that clauses 11, 12, 13, 14, 15 and 16 stand part of the Bill was then put and agreed to.

*Clause 18.*

**Mr. SPEAKER:** The question before the House is that clause 18 stand part of the Bill.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, I beg to move that for sub-clause (1) of clause 18, the following be substituted, namely:—

"(1) Any person aggrieved by any order under this Act may appeal to the prescribed authority within thirty days from the date of such order."

Sir, complications have arisen or are likely to arise owing to the definitions of certain terms which relate to sub-clause (*1*) of clause 18. Moreover, Sir, in order to simplify matters and to curtail expenditure, it is in our contemplation that the prescribed authorities to be set up under the Sales Act will also be the authority that will take this matter into consideration.

The motion was put and agreed to.

The question that clause 18, as amended, stand part of the Bill was then put and agreed to.

*Clause 19.*

**Mr. SPEAKER:** The question before the House is that clause 19 stand part of the Bill.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, I beg to move that for paragraph (*b*) of clause 19(*2*) the following be substituted, namely :

"(*b*) The form of licence, the particulars to be contained therein and the conditions subject to which licences may be granted;".

I beg also to move that in line 2 of paragraph (*g*) of clause 19(*2*) the words and bracket "clause (*a*) of" be omitted.

The motions were put and agreed to.

The question that clause 19, as amended, stand part of the Bill, was then put and agreed to.

*Preamble.*

**Mr. SPEAKER:** The question before the House is that the Preamble form part of the Bill.

**Mr. JOGESH CHANDRA GUPTA:** May I have your permission, Sir, to move amendment No. 10, standing in the name of Dr. Nalinaksha Sanyal?

**Mr. SPEAKER:** Yes, Mr. Gupta.

**Mr. JOGESH CHANDRA GUPTA:** Sir, I now intend to move the amendment that in clause 1(*3*), in line 3, after the word "appoint," the comma and the words ", after earmarking the entire proceeds of the levy under section 3 in excess of collection charges for supplementing their receipts from the Central Road Fund for the purpose of road development in the province," be inserted.

Sir, there were some other amendments tabled exactly with this object in view, but they have been disallowed; I mean amendment No. 33-36.

**Mr. SPEAKER:** But, Mr. Gupta, how are you moving this amendment?

**Mr. JOGESH CHANDRA GUPTA:** It is to be added in the Preamble, namely, that, "Whereas it is expedient to provide for the levy of a tax on retail sales of motor spirit in Bengal," and then I suppose Government have accepted that it would be for better and new roads——

**Mr. SPEAKER:** But, Mr. Gupta, how will you put it?

**Mr. JOGESH CHANDRA GUPTA:** I think, Sir, I shall have to move it after the Government amendment has been moved.

(At this stage Mr. K. Shahabuddin rose on his feet to move his amendment.)

**Rai HARENDRA NATH CHAUDHURI:** Sir, may I move my amendment first?

**Mr. SPEAKER:** I must say that I do not want to create a precedent for this sort of change in the Preamble. But in view of a desire of both sides of the House, I am making this an exceptional case, but it must always be definitely understood that no Preamble should be changed unless it came within the scope of the Bill concerned. There is nothing to that effect so far as the present amendments to the Preamble are concerned, but in view of the desire of both sides of the House I am allowing them.

**Mr. SASANKA SEKHAR SANYAL:** Or more correctly put, it is because the Opposition desire has been accepted by Government.

**Rai HARENDRA NATH CHAUDHURI:** Sir, I beg to move that in the Preamble of the Bill after the word "Bengal", in line 2, at the end, the following words be inserted, namely:—

"to secure additional funds for the construction of new roads in in the province."

Sir, I am suggesting this amendment to the Preamble not with a view to import anything new in this Bill. Sir, in introducing the Bill the Hon'ble Minister in charge stated in the Statement of Objects and

Reasons that the object of the Government in imposing this new taxation was to secure funds for the construction of new roads. If that be the object of the Government, then there should be no opposition from the Government at least to introduce these words in the Preamble. It will be quite in consonance with the Statement of Objects and Reasons. I see, however, that after I tabled this amendment notice of another amendment has been given from the Government side by Mr. Shahabuddin which proposes to add the words, "to secure additional funds for new and better roads." I cannot understand how things can improve by introducing the word "better," because what is better and what is not will always be a question of opinion; and not only that. When the word "and" can be taken both conjunctively and disjunctively, there can be reasonable apprehension that by introducing the words "and better." the funds raised by this Act may be spent for the improvement of and repairs to the existing roads. To avoid that interpretation I would stick to my own amendment and I think my amendment makes the object of the Act sufficiently clear.

**Mr. K. SHAHABUDDIN:** Sir, I beg to move that in the Preamble the following words be inserted, namely:—

"whereas it is expedient to provide for new and better road and."

Sir, I can assure my friend, Mr. Rai Chaudhuri, that I did not give notice of my amendment after getting some scent of the amendment of my friend; it was in pursuance of a decision of the Coalition party——

**Mr. SPEAKER:** I am sorry to intervene, Mr. Shahabuddin. You are again referring to a decision of your party.

**Mr. K. SHAHABUDDIN:** I am sorry, Sir. There was a strong opinion amongst certain members that this tax should be earmarked for the construction of new roads ("Yes, yes" from the Congress Benches.) and also for improving the condition of the existing roads. Government consider that it is bad in principle to earmark sums for specific purposes in a taxation measure. This has, therefore, been suggested by way of a compromise, and the notice of my amendment was given entirely in pursuance of the opinion of certain members of this House. My amendment has nothing to do with the amendment of Mr. Rai Chaudhuri nor has it been tabled simply because of the existence of Mr. Rai Chaudhuri's amendment.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, I would like, if I may compose the differences, to suggest a certain draft for the consideration of the House, but before I do so may I try to resolve this

tangle as to who made the suggestion first. I think, Sir, that I was the first to make the suggestion. (Laughter.) When the Bill was introduced on the first occasion I made this suggestion. At that time I stated that this amount was meant to be spent on new roads, and so far as improvement of roads was concerned the cost would be met from the ordinary funds of Government. These new roads will undoubtedly lead to further expenditure from the general revenues for their maintenance. In view of the fact, Sir, that it is my desire in the first instance and the desire of all sections of the House in the second instance that the money should be spent on new roads I move the following amendment as a short-notice amendment, namely:—

That in the Preamble, in line 1, after the word "expedient" the following be inserted, namely:—

"to further the construction of new roads in Bengal and therefore"

The motion was then put and agreed to.

**Mr. JOGESH CHANDRA GUPTA:** Now I want to add to the Preamble, "after earmarking the entire proceeds of the levy under section 3 in excess of collection charges for supplementing their receipts from the Central Road Fund for the purpose of road development in the province." (Mr. G. Morgan: No, no.) I hear "No, no." I expect that my learned friend Mr. Morgan (Mr. G. Morgan: I am not learned; I am not a lawyer.) would look at amendments 33-36 tabled by Sir Henry Birkmyre and others. They wanted that it should be declared as a charge upon the revenues of the province, but as the Governor's sanction was not obtained, this could not be moved. My amendment proposes to ensure the same object but avoids the necessity of taking the Governor's sanction.

**Mr. SPEAKER:** How does it read in the Preamble?

**Mr. JOGESH CHANDRA GUPTA:** The Preamble now reads:—

"Whereas it is expedient to further the construction of new roads in Bengal and to provide for the levy of a tax on retail sales of motor spirit in Bengal."

Then my amendment comes. Of course, there is the difficulty because it relates to section 3, and I wanted to make it a separate provision. Then the Preamble would read like this:—

"Whereas it is expedient to earmark the entire proceeds of the levy under section 3 in excess of collection charges for supplementing their receipts from the Central Road Fund for the purpose of road development in the province....."

**Mr. SPEAKER:** There is absolutely no difference.

**Mr. JOGESH CHANDRA GUPTA:** It is expedient to provide for better roads.

**Mr. SPEAKER:** You cannot earmark it. That will require Governor's sanction.

**Mr. JOGESH CHANDRA GUPTA:** If I want to get a charge declared on the revenues, then it requires the sanction of the Governor, but we can say "earmarking."

**Mr. SPEAKER:** You can say "for the purpose of."

**The Hon'ble Mr. H. S. SUHRAWARDY:** May I say one thing, Sir? The object of this fund is not merely to supplement the Central Road Fund, but also to provide for new roads out of the Central Board Fund according to the report of Mr. King on the advice of the Board of Communications. The Board of Communications will have a certain amount of fund outside the Central Fund. They will advise us which roads are to be improved and developed, and we shall try to distribute the money among the various districts in order to spend on those roads which are not likely to be taken up by the Central Road Fund.

**Mr. SPEAKER:** Your purpose is exactly the same except the word "earmarking." Earmarking is quite a different thing.

**Mr. JOGESH CHANDRA GUPTA:** My purpose is to prevent diversion of this fund for any other purpose than the development of new roads. This is frankly my purpose.

The question that in place of the old Preamble the new Preamble, namely, "whereas it is expedient to further the construction of new roads in Bengal and therefore to provide for the levy of a tax on retail sales of motor spirits in Bengal," stand part of the Bill, was then put and agreed to.

*Clause 3.*

The motion of the Hon'ble Mr. H. S. Suhrawardy that in sub-clause (*1*) of clause 3, for the words "commencement of this Act" the words and figures "30th day of September, 1941," shall be substituted, was then put and agreed to.

The question that clause 3, as amended, stand part of the Bill, was then put and agreed to.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, I beg to move that the Bengal Motor Spirits Sales Taxation Bill, 1941, as settled in the Assembly, be passed.

Sir, I thank all members of the House for the expeditious manner in which they have dealt with the passage of the Bill.

**Mr. SURENDRA NATH BISWAS:** Sir, without making a speech, I would only say on behalf of the members of this side of the House that we are opposed to the new taxation as proposed in this Bill, and we want our protest to be recorded.

**Mr. JOGESH CHANDRA GUPTA:** I have only one word to add. I would request the Hon'ble Minister that in future when he sees a note of dissent from one of the 30 members sitting in that group, he would before bringing the Bill before the House consider again and accede to all the amendments that they desire before bringing the matter here and confusing us with last minute amendments.

The motion that the Bengal Motor Spirits Sales Taxation Bill, 1941, as settled in the Assembly, be passed, was then put and agreed to.

## Adjournment.

The House was adjourned at 5-55 p.m. till 4 p.m. on Thursday, the 6th February 1941, at the Assembly House, Calcutta.

## Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Thursday, the 6th February, 1941, at 4 p.m.

### Present:

Mr. Speaker (the Hon'ble Sir MUHAMMAD AZIZUL HAQUE, C.I.E., Khan Bahadur) in the Chair, 6 Hon'ble Ministers and 193 members.

### Time for sitting.

**Mr. MANMATHA NATH ROY:** Sir, may I mention a matter before you begin with the day's business? We wish to have our meetings at 4-45 p.m.

**Mr. SPEAKER:** You may take it from me that we will resume that practice from next week. I know that it is very inconvenient to have meetings at 4.

Sir Nazimuddin, the Hon'ble Chief Minister has informed me that he is ill. There are many important questions which he has to answer and if you like, I can hold them over.

**The Hon'ble Khwaja Sir NAZIMUDDIN:** Yes, Sir.

## STARRED QUESTIONS

### (to which oral answers were given)

### Treatment towards Sj. Gour Ganguly, an under-trial prisoner in Serampore Sub-Jail.

*35. **Babu NAGENDRA NATH SEN:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact—

(i) that Sj. Gour Ganguly was on or about the 14th October, last, an under-trial prisoner in the Serampore Sub-Jail;

(ii) that on or about that date while suffering from fever he was transferred from the sub-jail to the local Wals Hospital with handcuffs;

(*iii*) that he was taken there on foot;

(*iv*) that he was kept handcuffed in the hospital; and

(*v*) that his hand was chained with the cot used by him?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) the reasons for which such treatment was accorded to an under-trial prisoner; and

(*ii*) who is responsible for such treatment with Sj. Gour Ganguly?

**MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin):** (*a*) (*i*) Yes.

(*ii*) He was removed to hospital on the 14th October, 1940. I am informed that he had at that time no fever and was not handcuffed.

(*iii*) No.

(*iv*) and (*v*) No: but from time to time one hand was secured to the bed with a handcuff.

(*b*) (*i*) For the safe custody of the prisoner.

(*ii*) The Superintendent and Deputy Superintendent of the sub-jail

**Mr. SURENDRA NATH BISWAS:** With reference to answer (*ii*) (*a*), will the Hon'ble Minister be pleased to state, if the prisoner had not any fever at the time of his removal to the hospital, then why was he removed to the hospital at all?

**Mr. SPEAKER:** He might have had other maladies.

**Mr. SURENDRA NATH BISWAS:** With reference to answer (*iii*) (*a*), will the Hon'ble Minister be pleased to state how was he taken to the hospital if not on foot?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** By the stretcher.

**Mr. ATUL CHANDRA SEN:** Will the Hon'ble Minister be pleased to state what kind of fever was the prisoner suffering from?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** I ask for notice.

**Mr. ATUL CHANDRA SEN:** Will the Hon'ble Minister be pleased to state if he had any other complication than fever at the time?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** I ask for notice.

**Mr. ATUL CHANDRA SEN:** Will the Hon'ble Minister be pleased to consider the desirability of placing a copy of the history sheet of the prisoner for that day on the Assembly table?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** I do not see any objection to that. If the honourable member will put another question, I will place it on the table.

### Validity of election of Khan Bahadur Anwarul Azim, M.L.A.

*36. **Dr. SANAULLAH:** (*a*) With reference to the reply given on the 6th July, 1939, to starred question No. 532, will the Hon'ble Minister in charge of the Home (Constitution and Elections) Department be pleased to state whether Government have been finally advised as to the legal questions at issue by competent legal authorities both in India and the United Kingdom?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to lay on the table a copy of the legal opinion?

(*c*) If the answer to (*a*) is in the negative, will the Hon'ble Minister please state how long the promised action contained in the said answer would be deferred?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** (*a*) Yes.

(*b*) I am not in a position to accede to the honourable member's request.

(*c*) Does not arise.

**Mr. SASANKA SEKHAR SANYAL:** In view of his answer (*a*), will the Hon'ble Minister be pleased to state what action has been or is about to be taken by Government in the light of the opinion offered?

**Mr. SPEAKER:** It is a very ticklish question.

**Mr. SASANKA SEKHAR SANYAL:** I hope the answer also will not be ticklish.

**The Hon'ble Khwaja Sir NAZIMUDDIN:** The parties have been advised that Government propose to take no action on the finding of the Tribunal in respect of the returns of election expenses.

**Mr. SASANKA SEKHAR SANYAL:** What are the reasons for giving this communication to the parties and the Government not taking action?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** As I have stated once before when this question was put in the last session, this is a matter in which I cannot go any further because the discretion of His Excellency is also involved in it.

**Application by Rabindra Mohan Sen Gupta for granting interviews with near relations.**

*37. **Mr. PRATUL CHANDRA GANGULI:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact that Mr. Rabindra Mohan Sen Gupta arrested on the 14th September, 1940, has been detained in jail under the Defence of India Rules?

(*b*) If so, will the Hon'ble Minister be pleased to state whether he applied to the authorities concerned for granting him interviews with his near relations named below—

(1) Mr. Khitish Chandra Das Gupta (nephew),

(2) Mr. Sailesh Chandra Das Gupta (nephew),

(3) Mr. Tuhinangsu Das Gupta (nephew),

(4) Mr. Bhabesh Chandra Das Gupta (nephew),

(5) Mrs. Niharkana Devi (wife of Mr. Sailesh Das Gupta),

(6) Mrs. Renukana Devi (wife of Mr. Tuhinangsu Das Gupta),

(7) Mrs. Usharani Sen (niece),

(8) Miss Parul Das Gupta (niece), and

(9) Miss Khuku (niece)?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the interviews were permitted?

(*d*) If the answer to (*c*) is in the negative, will the Hon'ble Minister be pleased to state the reasons therefor?

(*e*) Will the Hon'ble Minister be pleased to state whether he has been permitted any interviews with any one of his relations and friends since his arrest on the 14th September, 1940?

(*f*) If the answer to (*e*) is in the negative, will the Hon'ble Minister be pleased to state the reasons therefor?

(*g*) Is the Hon'ble Minister aware that Mr. Rabindra Mohan Sen Gupta used to live permanently before his arrest with his nephews and nieces in Calcutta in the same house?

(*h*) Will the Hon'ble Minister be pleased to state whether the Government recognise the necessity of allowing interviews to the prisoners, detained in jail, without trial under the Defence of India Rules, with the friends and relatives?

(*i*) If the answer to (*h*) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons why Mr. Rabindra Mohan Sen Gupta has not been permitted to have any interviews with any one of his friends and relatives?

(*j*) Is the Hon'ble Minister considering the desirability of granting Mr. Rabindra Mohan Sen Gupta interviews with his nephews, nieces and other relations and friends?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** (*a*), (*b*) and (*h*) Yes.

(*c*) to (*e*) Interview with Sm. Niharkana Devi, Sm. Renukana Devi, Miss Parul Das Gupta and Miss Khuku Das Gupta was permitted but that with others was refused for reasons which cannot, in the public interest, be disclosed.

(*f*) and (*j*) Do not arise.

(*g*) No.

(*i*) The member is referred to my answers to clauses (*b*), (*c*) and (*d*).

**Mr. SURENDRA NATH BISWAS:** With reference to his answer (*c*) to (*e*), will the Hon'ble Minister be pleased to state what is the nature of public interest for which the information cannot be disclosed?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** If I could disclose that, I could as well answer the previous question.

**Mr. CHARU CHANDRA ROY:** Day before yesterday, in answer to a question of this nature, the Hon'ble Minister replied that Mr. Bhabesh Chandra Das Gupta was permitted to have an interview——

**Mr. SPEAKER:** He was not permitted.

**Mr. CHARU CHANDRA ROY:** He was permitted.

**Mr. SPEAKER:** Order was issued, but before that he was released.

**Mr. CHARU CHANDRA ROY:** In that case, he was practically permitted to have an interview.

**Mr. SPEAKER:** That is a legal question.

**Mr. ATUL CHANDRA SEN:** Will the Hon'ble Minister be pleased to state if it is for reasons of hero-worship by newspapers that the information cannot be disclosed?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** No, Sir.

## Appointment of Muslim Munsifs to certain posts in Judicial and Legislative Departments.

*39. **Dr. SANAULLAH:** (*a*) Will the Hon'ble Minister in charge of the Judicial and Legislative Department be pleased to state whether it is a fact—

(*i*) that the posts of—

(1) the Assistant Secretary, Judicial Department,

(2) Registrar, Small Causes Court, Calcutta,

(3) the 2nd Assistant Secretary, Legislative Department and

(4) the 3rd Assistant Registrar, High Court,

are reserved for the Munsifs; and

(*ii*) that none of the above mentioned posts has ever been held by a Muslim Munsif since they were created?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the Government contemplate the appointment of suitable Muslim Munsifs in future in those posts?

**MINISTER in charge of the JUDICIAL and LEGISLATIVE DEPARTMENT (the Hon'ble Nawab Musharruff Hossain, Khan Bahadur):** (*a*) (*i*) (1) and (3) No.

(2) and (4) Yes.

(*ii*) Yes.

(*b*) (1) and (3) Do not arise.

(2) and (4) No, these posts are filled by competent men irrespective of the question of the community to which they belong. But Government is not unmindful of the claims of suitable Muslim Officers for these posts, (1), (2), (3) and (4), which will be considered as and when occasion arises on the expiry of the term of the present incumbents. The appointment to number (4) is, however, in the discretion of the Hon'ble the Chief Justice.

**Mr. SURENDRA NATH BISWAS:** With reference to answer (*a*) (*i*) (*2*) and (*4*), will the Hon'ble Minister be pleased to state what is the reason for which these two posts are reserved for the Muslims?

**The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur:** These are not reserved for the Muslims. On the contrary, I have said, these are open to all.

**Mr. SURENDRA NATH BISWAS:** I have read that answer, but that answer is not consistent with answer (*a*).

**Mr. SPEAKER:** I think you are making a mistake. The word there is not "Muslims" but "Munsifs".

**Mr. SURENDRA NATH BISWAS:** I am sorry.

**Maulvi ABDUL WAHAB KHAN:** Will the Hon'ble Minister be pleased to state when the term of the present Registrar, Small Causes Court, will expire?

**The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur:** The term has expired and an officer has been appointed.

**Maulvi ABDUL WAHAB KHAN:** Will the Hon'ble Minister be pleased to state the name of the man who has been appointed?

**Mr. SPEAKER:** That question does not arise.

### Appointments under Director of Agriculture, Bengal.

***40. Maulvi M. MOSLEM ALI MOLLAH:** (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to lay on the table a statement showing since April, 1937—

(*i*) the number of vacancies that occurred in different posts—

(1) gazetted, and

(2) non-gazetted (excluding menials),

under the Director of Agriculture, Bengal;

(*ii*) (1) the names; (2) residence; and (3) educational qualifications, of the persons appointed in those vacancies; and

(*iii*) how many of the vacancies have been filled up by candidates—

(1) from the Muslim Community, and

(2) from the Dacca district?

(*b*) Will the Hon'ble Minister also be pleased to state the percentage of Muslims holding at present—

(*i*) gazetted, and

(*ii*) non-gazetted,

posts under the Director of Agriculture, Bengal.

**MINISTER in charge of the AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan):** (*a*) (*i*) and (*ii*) A statement is placed on the library table.

(*iii*) (1) Gazetted 4 and non-gazetted 77.

(2) Gazetted 1 and non-gazetted 29.

(*b*) (*i*) 27 per cent. and (*ii*) 42 per cent.

**Realisation of licence fees of foreign liquor shops and other excise shops.**

***41. Maulvi ABDUL LATIF BISWAS:** (*a*) Will the Hon'ble Minister in charge of the Forest and Excise Department be pleased to state whether it is a fact—

(*i*) that licence fees in case of foreign liquor shops are realised only on the quantity sold; and

(*ii*) that in cases of other excise shops licence fees are realised on the whole quantity in stock in the shop?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons of difference in treatment between the two classes of cases?

**MINISTER in charge of the FOREST and EXCISE DEPARTMENT (the Hon'ble Mr. Prasanna Deb Raikut):** (*a*) (*i*) Yes.

(*ii*) In the case of certain classes of fixed fee shops, namely, country spirit, *bhang*, *ganja* and opium licence fees are based on the quantities issued from the treasury or warehouse during the previous month. In the case of other classes of shops licence fees are based on the quantities sold.

(*b*) The quantities of country spirit, *bhang*, *ganja* or opium sold are often in fractions of the unit of measure. It is, therefore, not convenient in the cases of these classes of shops to realise licence fees on the sales. Issues from the treasury or warehouse to shops approximate to the amounts sold during the month and give an easy figure for estimating licence fees.

## UNSTARRED QUESTIONS

**(answers to which were laid on the table)**

### Thefts by domestic servants in Calcutta.

**21. Mr. ATUL KRISHNA GHOSE:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to lay on the table a statement showing for the year 1938-39—

(*i*) how many cases of thefts, by domestic servants, have been reported in the city of Calcutta;

(*ii*) how many of them have been arrested;

(*iii*) how many of them have been convicted;

(*iv*) in how many cases the stolen properties have been recovered; and

(*v*) what is the total amount of the reported thefts?

(*b*) Is the Hon'ble Minister considering the desirability of issuing licence to persons offering themselves as domestic servants?

(*c*) If the answer to (*b*) is in the negative, will the Hon'ble Minister be pleased to state what steps he intends to take in the matter?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** (*a*) (*i*) 412.

(*ii*) 272.

(*iii*) 122.

(*iv*) 99.

(*v*) Rs. 58,202-3-3.

(*b*) No.

(*c*) None.

### Newspapers supplied to under-trial prisoners and detenus.

**22. Mr. NISHITHA NATH KUNDU:** (*a*) Will the Hon'ble Minister in charge of the Home (Jails) Department be pleased to state which (daily and weekly) newspapers are supplied to—

(*i*) under-trial prisoners;

(*ii*) convicts; and

(*iii*) detenus?

(*b*) Will the Hon'ble Minister be pleased to state whether the *Ananda Bazar*, the *Basumati*, the *Bharat*, the *Jugantar*, the *Hindusthan Standard* and the *Amrita Bazar Patrika* are supplied to the prisoners and detenus referred to in clause (*a*)?

(*c*) If the answer to (*b*) is in the negative, will the Hon'ble Minister be pleased to state the reasons thereof?

(*d*) Have the Government any objection in allowing the newspapers mentioned in clause (*b*) to be used by them at their own costs?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** (*a*) (*i*) Under Jail Code rule 923 under-trial prisoners may obtain, at their own cost, subject to the approval of the Superintendent, newspapers in the approved list, copy of which is laid on the table.

(*ii*) The daily *Statesman* and *Azad* are supplied to divisions I and II convicts at Government cost: convicts who do not know English or Bengali are supplied with the Hindi *Bangabashi* (weekly). The weekly *Banglar Katha* is supplied to division III convicts.

(*iii*) Persons detained under rule 129 may obtain at their own expense papers mentioned in (*i*) above. They may also get at their own cost the daily *Azad*, *Amrita Bazar Patrika*, *Hindusthan Standard*, *Jugantar*, *Ananda Bazar Patrika* and *Advance*. Security prisoners detained under rule 26 of Defence of India Rules are supplied with the daily *Statesman* and *Azad* at Government cost and may also obtain at their own cost papers in the list, copy of which is laid on the table.

(*b*) The honourable member is referred to the answer to (*a*) above.

(*c*) I do not consider any extension of facilities necessary.

(*d*) The member is referred to answers to clauses (*b*) and (*c*).

*Statement referred to in the reply to clause (a) (i) of unstarred question No. 22, showing list of newspapers and magazines which may be supplied to under-trial prisoners in Bengal.*

NEWSPAPERS.

1. The Statesman (daily).
2. The Bengalee (daily).
3. Pioneer (daily).
4. The Leader (daily) of Allahabad.
5. The Englishman (the present weekly edition).
6. Illustrated Times of India (weekly).

7. Hindi Bangabasi (weekly).
8. Sanjibani (weekly).
9. Calcutta Weekly Notes (weekly).
10. Dacca Prakash (weekly).
11. Bangaratna (magazine).
12. Suniti (bi-weekly) of Chittagong.
13. Madaripur Bartabaha (magazine).
14. Panchayat (weekly).
15. Mymensingh Samachar (weekly).
16. Tippera Guide (weekly).
17. Rangpur Darpan (weekly).
18. Hindu Ranjika (weekly).

NEWSPAPERS (WEEKLIES).

19. Khalsa Samachar (Amritsar).
20. Khalsa-to-khalsa Advocate (Amritsar).
21. Khalsa Parchar Sewak (Taru Taran, Amritsar).

*Statement referred to in the reply to clause (a) (iii) of unstarred question No. 22.*

LIST OF NEWSPAPERS.

1. Statesman.
2. Star of India.
3. Pioneer.
4. Leader of Allahabad.
5. Statesman (overseas weekly edition).
6. The Illustrated Weekly of India.
7. Panchayet of Dacca.
8. Mymensingh Samachar.
9. Hindu Ranjika of Rajshahi.
10. Kashipur Nivasi of Barisal.
11. Sisir (weekly edition).
12. Al-Aman of Delhi (Urdu).
13. Aftab (Urdu).
14. Haq (Urdu).

15. Hansa of Benares (Hindi).
16. Jagaran of Benares.
17. Sudha of Lucknow (Hindi).
18. Madhuri (Hindi).
19. Sudha (Hindi).
20. Utkal Deepika.
21. Hindu Illustrated Weekly.
22. Hitavadi (Bengali).
23. Midnapur Hitaishi (Bengali).
24. Whip.
25. Sanjivani.
26. Capital.
27. Charu Mihir Patrika of Mymensingh
28. Amrita Bazar Patrika.
29. Hindusthan Standard.
30. Advance.
31. Jugantar.
32. Ananda Bazar Patrika

**Mr. ATUL CHANDRA SEN:** With reference to answer (*iii*), viz., "persons detained under rule 129 may obtain at their own expense papers mentioned in (*i*) above....." will the Hon'ble Minister consider the desirability of making the list more representative by including all important journals?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** I can go no further than what I have said.

**Mr. SURENDRA NATH BISWAS:** Will the Hon'ble Minister be pleased to state what are the reasons for which distinction has been made between security prisoners and prisoners who have been detained under rule 129 in regard to the supply of newspapers?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** I have only stated that people detained under rule 129 are treated practically under the same terms and conditions as under-trials. As a matter of fact, those rules which apply to under-trials apply to them.

**Mr. ATUL CHANDRA SEN:** Will the Hon'ble Minister be pleased to state on which principle the selection of these newspapers is made?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** What is considered healthy for them.

**Mr. ATUL CHANDRA SEN:** Will the Hon'ble Minister please explain what he means by "healthy"?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** This question can only be answered by the Public Health Department.

**Mr. CHARU CHANDRA ROY:** With reference to the latter part of reply (*iii*), viz., "Security prisoners detained under rule 26 of the Defence of India Rules are supplied with the daily *Statesman* and *Azad* at Government cost and may also obtain at their own cost papers in the list," will the Hon'ble Minister be pleased to state whether Government are considering the desirability of giving them the paper *Basumati* and Bengali periodicals such as *Basumati*, *Bharatvarsha*, *Provasi* as also *Modern Review* and others?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** I cannot make any promise offhand, but we consider that the list that has been given is very wide and practically it covers all shades of opinion, and unless a special case is made out, it is doubtful if any addition will be made.

**Mr. CHARU CHANDRA ROY:** With regard to security prisoners, will the Hon'ble Minister be pleased to consider that in order to spend their time in jail they should get monthly periodicals also?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** If the honourable member will suggest one or two monthly periodicals, we will consider.

**Mr. ATUL CHANDRA SEN:** Will the Hon'ble Minister be pleased to state whether he is aware that Division III prisoners are also highly intellectual persons?

**Mr. SPEAKER:** That question does not arise.

**Maulvi ABU HOSSAIN SARKAR:** Sir, what about other questions?

**Mr. SPEAKER:** These are held over.

**Earlier adjournment of the House on account of the Muharrum.**

**Mr. SPEAKER:** A letter has been written to me by a large number of members requesting me to adjourn the House to-day on the ground that it is the first day of the Muharrum celebrations but before taking any decision on the matter, I should like to know what is the attitude of Government and of the Hon'ble the Finance Minister.

**The Hon'ble Mr. H. S. SUHRAWARDY:** I am sorry that the Leader of the House is not present here to-day. The matter was discussed, and we feel that the business of the House must proceed. The Budget will have to be presented before the House on the 15th February, and thereafter every day will be taken up on important business upon which we can hardly encroach. The Bengal Finance (Sales Tax) Bill therefore will have to be completed before the Budget is presented, and unless we clear something out of the way, I do not think that we shall be able to keep up to our time-table. The contest, as far as I can make out from the various amendments which have been put in, is apparently with regard to the schedules, and there is no likelihood of that item being reached to-day. It will come up at some subsequent date, and we can then thrash them out and find out what we should put in and what we should take out. I submit that so far as we are concerned, we feel that it will cause great dislocation, although after the severe strain to which I have been subjected I should personally like to have a holiday myself.

**Khan Bahadur Maulvi HASHEM ALI KHAN:** As far as my information goes, Government offices have been closed to-day at 1 p.m., and although we find in the calendar that to-day is the eighth day of the Muharrum, it is actually the ninth day. We Muslim members of the Legislature think that the Muharrum festival should be observed from to-day, and it is for that reason that Government offices, I understand, have been closed. Therefore, it is desirable that we should adjourn for this day. As for the Sales Tax Bill, it will not take long to finish it, and I do not find any cogent reason why we should carry on business to-day only to finish a little part of that Bill.

**Mr. SPEAKER:** But I think if we could finish one portion of the Bill, that would mean going sufficiently ahead with it, and at the same time I hope we will be able to adjourn earlier than usual.

**The Hon'ble Khwaja Sir NAZIMUDDIN:** I think we can finish the question of recommittal to-day after which the House may be adjourned.

**Mr. SASANKA SEKHAR SANYAL:** Sir, so far as we on this side of the House are concerned, we have from the very beginning apprehended that our Muslim friends would be eager to go away early in connection with the Muharrum festival. Therefore, when this question was mooted and there was a talk of having morning sessions, we amply made our position clear that we should rather have holidays than wound the feelings of our friends. So far as we are concerned, we never wanted to stand in their way nor to wound their religious susceptibilities, and if Government do not accede to their request, we have nothing to say. Sir, the Hon'ble the Finance Minister has just said that the main controversial question will be the schedules, but I submit that the controversial question ranges from the beginning to the end, and therefore our appeal to you, Sir, is not to hurry the Bill through at any stage.

## GOVERNMENT BILL.

### The Bengal Finance (Sales Tax) Bill, 1941.

**The Hon'ble Mr. H. S. SUHRAWARDY:** I beg to move that the Bengal Finance (Sales Tax) Bill, 1941, as reported by the Select Committee, be taken into consideration.

Sir, honourable members have had the report of the Select Committee in their possession, and I have no doubt that they have noted—I hope with satisfaction—the amendments which have been embodied by the Select Committee in the body of the Bill. Government, Sir, have gone as far as practicable or feasible to meet the wishes of the Select Committee as reflecting the views of all sections of the House who are prepared to co-operate with this Government in this financial measure. I have pointed out to the House the imperative necessity of this Bill. There may be some tinkering with it, some increase or decrease of rates, some inclusion or exclusion in the schedules, but, so far as the imperative necessity of this Bill for the purposes of the administration is concerned, it cannot be denied. In fact, Sir, I am in a position to say that it will be impossible for any administration to function under present circumstances if we want to give to the people of Bengal some amenities and to build a better province.

This year we have a deficit of one crore and seven lakhs of rupees. This has been met from the closing balance, but the closing balance has now come down to such proportions that it cannot stand the strain of another deficit budget, as the next budget is bound to be without this taxation. Out of this one crore and seven lakhs, Rs. 30 lakhs approximately represents the jute that has been purchased by Government. Therefore, there will be an increased expenditure of Rs. 77

lakhs which will have to be carried on to this year. Along with the 77 lakhs further expenditure has been provided for in the next year's budget. I am not in a position to give the details to this House before the budget is presented, but it is obvious to everyone that more money must be provided for year after year in every successive budget if we want to increase the amenities and keep the machinery of Government going for the benefit of the people. I hope, Sir, that there is no one in any section of the House that does not realise that this Bill has to go through. (Cries of "Question, question" from Congress Benches.) I cannot understand any opposition to this measure except from those who desire to paralyse the Government. The opposition comes from the Opposition, because they are here to obstruct, and I am positive that even if this Government was supplanted by any other Government either from this side of the House or from the other side of the House, my friends who controvert my statement that this taxation is imperative for the province and for the administration not merely for this ministry or this budget but for any ministry and any budget—even if they undertook the reins of office, they would not be able to meet the next year's budget without this taxation. (Rai HARENDRA NATH CHAUDHURI: Let us see the budget then.)

Now, Sir, this taxation measure of all the various taxation measures which we have examined has been placed before the House, because it has certain merits which are not to be found in other measures of taxation. The taxation is low, the cost of collection is little, the proceeds are considerable. From one measure of taxation we will be in a position to carry on the administration and to benefit the nation-building departments. Further, this tax, if properly administered and if proper exemptions are made, will not affect the vast majority of this province who are poor to any appreciable extent and the main portion of this tax will be paid by those consumers whose standard of living is high and who have to be constant purchasers, and a portion will be carried to some extent by the trade. It is for this reason that we have seen a storm of influential opposition from traders and merchants in the main. Everywhere these gentlemen who have money are the vocal leaders of the various groups. To them it does not matter if this province goes to the dogs. They are not responsible for its administration. To them it does not matter if there is no money for water-supply, for primary education, for public health, for irrigation, or for agriculture. All that they care for is that the profits which they are making as traders, merchants and middlemen should continue to repose in their pockets. But to us, Sir, who are charged with the responsibility of conveying these amenities to the poor people of this province, it is a matter of life and death, and I discount therefore to a very large measure the opposition that has come from these traders and these merchants in the mufassal or in

Calcutta, and I would request the honourable members of this House who are not allied to these traders and merchants but who have the welfare of the masses at heart to support Government in this measure. I can assure this House as I have assured before at the time of referring this Bill to the Select Committee, that the purpose of this taxation is to provide further funds for nation-building departments and further amenities to the masses of this province, and I would consider those honourable members who oppose this very small taxation measure, not merely that they are not friends of the people, but that they are the definite enemies of the people.

Sir, I will indicate in some detail for the benefit of those gentlemen who oppose for the sake of opposition, who shout and interrupt——

**Mr. SURENDRA NATH BISWAS:** Is the Hon'ble Minister right in saying all these things?

**The Hon'ble Mr. H. S. SUHRAWARDY:** I will indicate to those who shout and interrupt on account of vacuity of mind——

**Mr. ATUL KRISHNA GHOSE:** Is the Hon'ble Minister right in using words like "shout, interrupt and vacuity of mind" in addressing members of this House?

**The Hon'ble Mr. H. S. SUHRAWARDY:** I am not addressing any individual member. I am addressing those members whose vacuity of mind prompts them to shout and interrupt. If you don't come within that category you are excepted—you come in the schedule of exemptions. Sir, I will indicate, however, for the benefit of those members who have not studied the alterations made by the Select Committee, some details regarding the proposals that have been made, although the main framework of the Bill has not been affected. I consider that the Select Committee have been extremely helpful with their suggestions, and I hope that they will agree with me that Government have gone as far as possible to meet any reasonable demands or suggestions that might have arisen from any part of the House.

Sir, two provisions have been inserted in the interest of honest dealers to discourage attempts to evade payment of the tax. In the second explanation to the definition of "sale" it will be found that a clause has been inserted to prevent evasion of the tax by dealers who might establish a nominal sales office just beyond the border of the province and will so claim that their sales are not made within Bengal and so are not taxable.

Secondly, Sir, in the new clause 9(*1A*) Government have taken power to recover arrears of the tax from any importer or manufacturer

who might be found to have evaded his obligation to get himself registered and so to have defrauded Government. But most of the changes are designed to reduce to a minimum any extra trouble or expense which dealers might have to incur through the collection of that tax. The taxable quantum has been raised from Rs. 20,000 to Rs. 50,000 for ordinary dealers, but to prevent importers and manufacturers from escaping taxation, the taxable quantum in their case has been reduced to Rs. 10,000. Here a year for the purpose of this Act does not mean a financial year but a period of 12 months, according to which any dealer customarily keeps his accounts. This will certainly be very helpful to all dealers, inasmuch as most of them do not keep accounts in accordance with the financial year. The sale price often includes the cost of freight. The committee has recommended that the tax should not be levied on the cost of freight when it is paid by the seller and separately charged for; nor upon the sale of boxes, tins, bottles, etc., required by dealers for marketing their goods. Further, in order not to increase the cost of production and so put the Bengal manufacturer at a disadvantage with his rivals elsewhere, clause 5 (*b*) (*I*) has been amended to allow manufacturers to get free of tax not only the raw materials, but also all the machinery and necessary accessories to manufacture. This has been done to prevent double taxation. By an amendment to clause 7 registration will be free of charge and will not be subject to periodical renewal. Once effected, it will remain in force until the business changes hands or ceases to exist. A new clause 7A has been added to allow dealers whose turnover does not reach the taxable quantum to get themselves registered voluntarily. As a matter of fact, I believe that dealers will find it a very great advantage to get themselves registered and we have given them an opportunity to do so. For the information of all registered dealers a list of these will be published as soon as registration is completed. Additions, renewals and any alterations will be gazetted as they are made and a consolidated list of modifications will be published annually. A new provision to sub-clause (*I*) of clause 4 declares that the tax will be actually payable not according to the value of the sales effected during any given year, but according to the amount of the turnover actually realised by the dealers. This change means that the tax on any particular sale will not be collected from the dealer until the dealer has collected his money from his customers. This, I hope, will go a very long way towards relieving his difficulties and making this tax palatable to him.

The decision of the Commissioner under clause 16 upon points of dispute shall not have retrospective effect, unless it is established that the dealer has deliberately tried to evade the tax. Provision has already been made for a statement of a case on a point of law to be referred to the High Court on the lines of section 66 of the Income Tax

Act. Power to call for and to inspect registered dealers' accounts has been strictly limited to the minimum necessary for the purposes of this Act and have been made subject to rules which will lay down certain conditions that in these matters every effort should be made to avoid causing unnecessary harassment to dealers. By the omission of clause 5 (2) and of the words "or otherwise" from clause 2 Government have agreed to renounce the power to enhance the rate by notification and the power to remove any item from the schedule of exemptions. Honourable members will note that we have agreed to this act of sacrifice. We have given up the power to enhance the tax, because I am of opinion that in case we need taxation measures, we ought to take the Legislature in every case into our confidence, and we ought to be in a position to come before the Legislature and tell them exactly what the financial position is and ask them, if it is necessary to increase the tax, to give their consent. Further, Sir, we have also given up the power to amend the schedules by the method of subtraction, namely, that if any article is exempted, we do not propose taking away that exemption without the consent of the Legislature. We will not do so by a notification, but in order to help the various interests further and, therefore, to lighten the burden of taxation, if necessary, we have retained the power to add to the schedules of exemptions. These schedules of exemptions, it will be noted, have been made very large indeed; in fact, one may almost say, generously large; so much so that it may cause serious inroads into the probable proceeds of the tax. I will explain shortly the principle underlying some of these exemptions. Honourable members may have noticed that the amount of the tax has also been lowered from 2 per cent. to 1 pice in the rupee which works out at 1·56 per cent. The tax, therefore, is indeed very small in its incidence. It will be charged only once in a series of transactions. Even though an article may have been sold or resold six or seven times, it will only pay 1 pice in the rupee in the whole series of transactions, and not 6 or 7 pice. Further, only such articles as are sold through big shops will be taxed, and articles which are imported or manufactured by shops whose turnover is Rs. 10,000. These will be registered, and all transactions in registered shops will not be taxed, but when the registered shop will sell to the unregistered shop or the consumer, the unregistered shop or the consumer who will purchase from the registered shop will be taxed. The money will be collected through the registered shop, but it will be payable only on the sale price of the article when collected by the shopkeeper. Therefore, bad debts where the money has not been paid will not be liable to taxation. The principle regarding the exemptions is that it does not fall heavily on the poor. We have exempted all foodstuffs used generally by the people, and particularly by the poor; for instance, paddy, rice, all cereals, in fact, *dal*, flour, *atta* and mustard oil; but we have not exempted patent foods or imported foods——(Cries of "What about foreign liquor?"

and "What about tea?" from the Opposition Benches.) Sir, so far as tea is concerned, it will be taxed, and foreign liquor is already taxed; they are items that can form the subject-matter of another Bill. I submit that a tax on foreign liquor at 1·5 per cent. would be next to nothing, and I will not insult foreign liquor with a tax of 1·5 per cent. Goods that are utilised for the purpose of preparing finished articles have also been exempted, for instance, yarn, leather, etc. On the principle that goods should not be taxed twice, all things used in the manufacture of an article which article in due course will be taxed, all such goods used in the manufacture of finished articles will escape taxation, because the finished article, as I have said, will be taxed.

Then, again, articles that are the subject-matter of special tax have been excluded, namely, electricity, spirit, liquor, etc., and if they have to be taxed, then it will be necessary to bring in different taxation proposals in their case. Then, articles used as cottage industries will escape taxation, and this includes tobacco which is sold in *hâts* and bazars and in smaller shops. The tobacco of the agriculturists which is sold in villages, in *hats* and bazars, will thus escape taxation. It will not be taxed.

**Mr. SPEAKER:** What about water? (Laughter.)

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, we are not going to impose any tax on water which is not sold in the market.

Then, Sir, such articles as *sarees*, *dhotis*, *gamchas*, etc., produced by our country weavers, pottery produced by our *coomars*, *slippers* produced by our cobblers, tabacco grown by our villagers and sold in *hâts* and bazars, all these village produce will thus escape taxation. Articles are also being exempted from taxation so as not to interfere with outside trade. We do not want to drive trade outside Bengal; we do not want to kill the industries within Bengal, and hence we are not taxing articles which will be exported outside Bengal, nor are we taxing articles that are purchased by the Government of India and the Railways because those bodies may otherwise obtain their goods just as easily from other parts of India, and thereby create a position which will give a serious blow to our business in Bengal.

Now, Sir, I claim, as I have claimed before, that the poor will hardly be affected by the tax, the poor as we know them. Of course, my friends on the other side will classify themselves in the category of the poor, but that is a different matter; but the poor for whom we feel and for whom this Government stands will hardly be affected by this tax. A village rarely purchases more than two or three pieces of cloth for a whole year on which he will have to pay a tax, if he does not wish to purchase cloths produced by the villagers. It is those persons who will be called upon to pay the tax. Sir, this taxation is

so very low that even ordinary fluctuations in prices are very much higher. Due to ordinary fluctuations in prices a piece of cloth may go up from 12 annas to 1 rupee and 8 annas, and yet that piece of cloth will be purchased, and there will be no destruction, of the countryside, but if I ask for 1 pice in the rupee, immediately there is a cry from some sections of the House that the poor will not be able to stand it, and bear the burden of this piece of taxation. I claim, Sir, that this Government has saved you, the rich and the poor alike, by the measures of control that it has exercised on profiteering. Suppose we had allowed profiteering to run amok. What would be its effect on the countryside? You can realise, Sir, how much more money the poor would have to pay for their ordinary necessities, and I submit, Sir, that we have a claim to call upon the people of this province to make this small sacrifice for their own benefit, for the benefit of the nation-building departments; because I feel that for every pice that they will pay they will receive benefits hundredfold for amenities. Sir, if there is any increase in this 1 pice in the rupee, it will go for the benefit of the province, and it will not go into the pockets of profiteers or merchants. On the last occasion, Sir, I pointed out how we have to a very great extent increased the wealth of the people and have so managed that they have in their pockets various sums of money which formerly they had to pay to the zemindars, to the *mahajans*, to the lawyers, to the profiteers. This money now rests with them, and we have made the people more capable of bearing this taxation than before. I may have to revert to the subject in my reply. I state this as a general proposition and request this House to take up this Bill for consideration.

**Mr. SPEAKER:** Amendment No. 1 is out of order at this stage.

**Mr. SASANKA SEKHAR SANYAL:** Is No. 2 out of order?

**Mr. SPEAKER:** Yes, because you have not mentioned about quorum and date.

**Rai HARENDRA NATH CHAUDHURI:** What about No. 3?

**Mr. SPEAKER:** Similarly, you have not mentioned the date for submission of the report.

**Mr. SASANKA SEKHAR SANYAL:** In the rule the only thing that is necessary is to propose a recommittal. Will you kindly refer to the rule itself?

**Mr. SPEAKER:** Anyway, I am taking Mr. P. Banerji's amendment, the first part of which is the same. You can all speak upon that.

**Mr. P. BANERJI:** Sir, I beg to move by way of amendment that the Bill be recommitted to the same Select Committee with instructions to submit their report by 30th June, 1941, and that the quorum of the Select Committee be fixed at five.

Sir, after hearing the speech of the Hon'ble Minister to-day, I feel that there is greater necessity of sending the Bill to the committee again for further consideration. There is no doubt that it was on our suggestion at the last session that the motion for circulation was moved. We suggested certain improvements in the way of amendments and those suggestions have been accepted now in the Select Committee about bad debts and appointment of auditors. That I must admit is a definite improvement in order to save these traders from unnecessary harassment and also loss. But, Sir, what about the other matters, particularly sub-clause (3) of clause 4, in which we find, "Every dealer who has become liable to pay tax under this Act shall continue to be so liable until the expiry of three consecutive years, during each of which his gross turnover has failed to exceed the taxable quantum." Sir, may I enquire of the Hon'ble Minister under what principle and logic he supports this measure that a person once taxed will be taxed for ever—say for three years? Supposing the next year he makes a loss or his turnover is less than Rs. 50 thousand, then what is the idea? This has not been amended in the Select Committee.

Then again, Sir, the Hon'ble Minister was very generous in suggesting that he has given up all powers and he will bring every time, if he wants any change, before this House and he will want the sanction. But I ask him to refer to clause 5 (3) (e) where it is said, "such other sales as may be prescribed." What does it mean? Is it not giving a blank cheque altogether to the Government? Government may include anything they like afterwards by their rule-making power. Other items may also be included and the Select Committee has not been exhaustive. That is all the more reason why this should be referred back to the Select Committee where the members can sit together and make improvements without having to insert such a clause. This clause will have to be deleted altogether, as I think no such blank cheque should be given particularly to this Government.

Sir, the Hon'ble Minister has claimed to be the champion and protector of the tenants, cultivators and agriculturists of this country. If the Hon'ble Minister had any idea of the state of affairs in the countryside, he would have found indications of how the Government have bungled and mismanaged in the matter of administration by having so much money and spending it improperly and injudiciously. From

the very beginning we suggested that it was time for the Government to cry halt, but they did not hear us. We suggested that the Government were heading for a crisis and within a very short time they have actually headed for a crisis by bringing the country to this sort of bankruptcy.

Sir, if we go into details we will find how the money in the name of village organisation has been misused. I know definitely there are cases where money has been given as patronage. For instance, Rs. 500 was given to a certain person for certain village organisation. The result was that out of that Rs. 500, Rs. 300 was spent only to receive the Minister. Instead of applying this money to cater to the needs of the people of the country, it was applied to cater to the needs of the Minister and other persons who were taken from Calcutta, and out of Rs. 500 intended for village reconstruction scheme Rs. 300 was spent in this way.

Sir, we will have an opportunity to discuss this matter more fully during the Budget discussion. Now, as there is very little time left and as Mr. Jalan from our side wants to speak on this motion, I do not like to take up more time of the House, and with these remarks I move my motion.

**Mr. SASANKA SEKHAR SANYAL:** Mr. Speaker, Sir, I beg to support this motion for recommittal. I do not find the Hon'ble Minister in his old place because, I believe, after his long sermon upon the supposed vacuity of his fellow-members, he did not feel it comfortable to remain in his own seat——

**The Hon'ble Mr. H. S. SUHRAWARDY:** On a point of personal explanation, Sir. I have come down here in order to give better attention to my good friends; if they do not want that attention, I will go back.

**Mr. SANSANKA SEKHAR SANYAL:** I feel sure that the Hon'ble Minister's old seat is not smelling bad!

**The Hon'ble Mr. H. S. SUHRAWARDY:** Not at all.

**Mr. SASANKA SEKHAR SANYAL:** Mr. Speaker, the Hon'ble Minister in charge of the Bill tried to defend it with all his might and he exhausted his pharseology over this matter. (The Hon'ble Mr. H. S. SUHRAWARDY: I hope I know a few more.) But who in Bengal does not know that this proposed sales tax is the most hated and dreaded thing to-day? At the time when the Bill came up for reference to the Select Committee members from all sides of the House opposed it and pressed for circulation, and they advanced various grounds for pressing the Bill to be circulated for elliciting public opinion. At that time

the Hon'ble Minister held out assurances that nation-building activities would be pursued and that money was necessary for that purpose. But it is clear that even in the Select Committee those who did not dissent from the main proposals in the Bill did not find their way to make any amendment to the preamble or the schedule in such a way as to make it clear that the money was necessary for nation-building departments. Even, Sir, up till this evening we were feeling confident that the Hon'ble Minister would make it clear that the money was necessary for definite schemes of nation-building activities—the more so because from the minutes of dissent of the members of the Select Committee, we find that about half a dozen have given concrete suggestions and definite opinions regarding this matter. Not only that, but my honourable friends of the Proja Party—for example the minute of dissent of Messrs. Gyasuddin Ahmed Choudhury and Ahmed Ali Mridha—make it clear that they cannot go in for this taxation unless there was a definite project in the matter of primary education, rural medical relief and rural water-supply. The Hon'ble Minister twitted those members of the Opposition as standard friends of the poor, but if he will kindly go over the minute of dissent of Sir Henry Birkmyre, who is not a standardised friend of the poor, he also has made a significant comment that unless the Government makes it clear that there are definite, complete and absolutely necessary schemes for which additional funds are required, he cannot go in for this proposed sales tax. So, Sir, the opinion was pressed from all sides of this House that there was no question of considering this proposed sales tax unless the Government made it clear that it was necessary for the nation-building departments. To-day, Sir, the Hon'ble Minister has spoken in advance of the clauses of the Bill. Even to-day he has not committed himself to the position, as he did in the matter of the previous taxation Bill, viz, the Bengal Motor Spirit Sales Taxation Bill, that the money collected by this taxation would be definitely spent or earmarked for projects of nation-building departments. He has no doubt glanced at phrases such as "the poor people" and "the nation-building departments," but we at least on this side of the House are definitely not going to be deluded by these catch expressions of the Hon'ble Minister.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Why?

**Mr. SASANKA SEKHAR SANYAL:** Because this Government started under the best financial auspices a few years back, and in every budget Government held out promises that schemes would be ready, that schemes would be formulated and pursued, so that the people in the villages might get extensive relief. We have all along been fed on those promises and assurances. But neither did the schemes come up, nor was there any expenditure from the general revenues upon these

proposals in any concrete shape. Even, for example, day before yesterday, on the first day of this session, when the report of the Public Accounts Committee was placed before the House, it was a staggering spectacle that this Government which have practically exhausted all the financial resources that came into their hands have not been able to spend any substantial amount upon agriculture or education. What is the answer of the Hon'ble Minister to that? The only answer that is writ large on the walls of this province is that money has been spent really not for purposes of nation-building departments, but for purposes which are well known and which I am not going to mention now. So, our position is clear, that even when there is a talk of replenishing nation-building departments, we must have definite schemes formulated and concrete proposals placed before the House so that we can consider at that time the necessity of finding funds for these schemes. Sir, any non-partisan in Bengal knows that the golden resources which this Government received at the outset have been frittered away for various objectionable purposes, and no lasting good has been derived by the province as a whole by the spending of such a huge amount. So, Sir, on that point, our attitude I have tried to make clear in my humble way.

Then, coming to the question of getting additional revenues in order to meet the deficits which have been flourished in the face of the House by the undaunted Finance Minister, he advanced his strongest argument by criticising the Opposition and anticipating that there will be opposition to this Bill like the proverbial weak case. That is his strongest argument, namely, villifying the Opposition. But what is the position? Why, if there are any deficits in the revenues at all, no sensible explanation has been offered by the Hon'ble Minister.

**The Hon'ble Mr. H. S. SUHRAWARDY:** For what?

**Mr. SASANKA SEKHAR SANYAL:** For flourishing the deficit which forms the stock argument of the Hon'ble Minister's case to-day. Sir, if this deficit has occurred, well, the Government ought to be ashamed of such a deficit. It is no answer to say that whichever Government comes into office in place of this Government, such a proposed taxation would be necessary. Well, the Hon'ble Minister should have considered the thing independently without any reference to the Opposition. Sir, in any civilized country, a Government which wasted the financial energies of the people in this way in an extravagant and unpardonable manner and now comes with a shameless story of impending or actual deficit, before asking for additional revenues through a sales tax, would have voluntarily proposed to resign. That is the most conventional and standard civilized form of meeting this

question. When you had plenty of money, you have not used it for proper purposes. You have stranded the province practically on a bed-rock of indebtedness. Without shamelessly asking for additional revenue for meeting the deficit, this Government ought to have proposed making room for others. Now, how did this deficit occur at all, and how is it going to be met? If the deficit took place in the ordinary course of things, then it ought to be met in the ordinary way. May I ask the Hon'ble Minister—has any honest effort been made for at least meeting part of the deficit by retrenchment schemes which have been recommended on the floor of the House and outside also? Can the Government say that the Government have done their best, everything in their power, to curtail expenditure—a curtailment which is so easily to be effected? The Government have not done anything in that direction. Much of the expenditure which is claimed by the present Government can be avoided. There can be retrenchments effected in the fat salaries at the top. Then, Sir, I go further, and I make this proposal that before going with taxation measures of this kind, we the members of this House ought to consider whether before asking for additional revenues from the poor and the public at large, the Ministers and the members themselves should not consider the question of having their own emoluments retrenched. Four years back when this question was discussed, the Government was in possession of funds and therefore could look upon this matter as an academic question. But to-day when the Government is on the verge of financial bankruptcy, it is no more an academic question, but a prominent matter which ought to be discussed on the floor of this House. If there is deficit, let us try to meet it in an honest way. If we try to meet it in an honest way, we must make an honest beginning, we must retrench our emoluments in this House, we must retrench the emoluments of our subordinate staff, we must retrench, if possible, our Ministers' salaries to meet the entire deficit. If we can do all these things, then only we can go out to the public and tell them that some more money is necessary. We should see that taxation is such as will only hit those at the top and not those at the bottom. The other day a Finance tax was imposed upon us—those who pay income-tax have been made liable to an ungraduated further taxation of Rs. 30 per year, and I am prepared to invest Government with power, if necessary, to amend that Act and increase the incidence of taxation which will fall only upon those people—grudging people no doubt—but upon people who are supposed to be able to bear the burden of further taxation. But there is no sense in asking the mass at large to contribute by taxation—for what purpose —in order to meet the deficits that have occurred and are going to occur. It is a preposterous proposition. After all, what will be the effect of this taxation? To-day, in Bengal, more than half the province's outturn in food-crops has failed on account of the drought and scarcity, the prices of food crops have

gone higher up and the capacity of the poor peasants has gone down very low, but the present ministry have failed ignominiously to come to any solution with regard to the money crops such as jute and sugarcane.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Good God!

**Mr. SASANKA SEKHAR SANYAL:** The Minister is crying up to the Good Lord; but the price of jute has hopelessly gone down, and the poor peasantry are despairing of their faith in the Good Lord at all. To-day, Sir, when the people are on the verge of ruination, when they expect relief from persons who are at the helm of affairs of the province, the ministry is only flourishing them with these stones of taxation. Sir, this will aggravate the poverty of the people and add to the penury of the province.

(At this stage the blue light was lit, indicating that the honourable member's time was going to be up.)

I see the blue light has been lit, and I will not wait for the red light. But I warn the honourable members, I warn the members of the Coalition Party in particular, that if this tax is pursued the "red lamp" will be lighted all over Bengal and the Ministers will have to suffer the consequences thereof.

**Mr. ISWARDAS JALAN:** Mr. Speaker, Sir, I beg to support the motion of Mr. Banerji, and in supporting this motion I wish to say that when this measure was introduced by the Hon'ble the Commerce Minister in this House, or rather the Finance Minister, there was a good deal of opposition to this measure, and in spite of that opposition the measure was referred to the Select Committee. If I remember aright, even the European Party reserved its right to oppose this measure after it emerges out of the Select Committee. I do not know as to what their attitude is at present, but so far as we on this side of the House are concerned, we still find that though there has been some improvement in the Select Committee in the various clauses of the Bill, still the fundamental objection remains, and the Bill, as modified by the Select Committee, is not sufficient to remove the suspicions of the people of this province. Sir, so far as this taxation measure is concerned, when the Hon'ble the Finance Minister introduced this measure, he waxed eloquent upon the benefits that this measure will bring to this province. The Hon'ble Minister gave a long catalogue of things, very good things indeed, which he hoped to have in this province. He thought that if we consent to the introduction of this measure, perhaps a millennium would be coming to save this province and that there would be nothing but milk and honey flowing everywhere in this province. But what

do we find to-day? To-day the Hon'ble Minister has come forward before us with a statement of estimated income which shows that in the year 1940-41 the Government is faced with a deficit of one crore and seven lakhs of rupees. Therefore, we come to this proposition that even if we consent to the imposition of this iniquitous tax, even then the promised millennium is not coming. The money to be realised from this taxation is going to meet the ordinary expenses of administration, and all our dreams and the dreams which the Hon'ble Minister is putting forward before the public are disappearing. It is a well-known fact that when the present Ministry started work, there was a surplus of two crores of rupees, and in four years' time we find that this province is faced with a deficit of one crore and seven lakhs. Is this sound finance? I do not know as to whether there is any economist in the world who would say that the policy which the Government of Bengal has been pursuing in this matter is sound finance. So far as the Hon'ble Minister's gestures and postures were concerned, he stated that while the *proja-daradis* and *proja-bandhus* will be beating their breasts, the Ministers will go on as usual——

**The Hon'ble Mr. H. S. SUHRAWARDY:** On a point of personal explanation, Sir. I have never said that the Ministers will go on as usual.

**Mr. ISWAR DAS JALAN:** But if you like, I can quote that.

**The Hon'ble Mr. H. S. SUHRAWARDY:** I say, Sir, I made no statement that the Ministers will go on as usual.

**Mr. ISWAR DAS JALAN:** Now, I say that if this Bill is passed, the *proja-daradis* and the *proja-bandhus* will have to beat their breasts, because the ministry is following a policy which will be disastrous to this province. Perhaps in their exuberence to meet their deficits and also to shield their incompetence, they have come forward with this extraordinary measure of a general sales tax to be imposed upon this province. So far as a general sales tax is concerned, it has been recognised by all persons in authority in public finance that it is a tax which should be imposed only in times of extreme emergency. I could have understood the Government of Bengal coming forward with this taxation proposal if we could have found that there was such an emergency which could not be foreseen. I find from the statement which has been put before this House by the Hon'ble the Finance Minister that according to his estimate the deficit in revenue will not be more than 19 lakhs of rupees in spite of this war. Of course, increase in expenditure according to his budget estimate is

about Rs. 30 lakhs. Therefore I would say that when the budget proposal was made before this House by the Hon'ble Finance Minister, nothing has happened since then on account of deficit in revenue, on account of war or any other factor to justify the Hon'ble the Finance Minister to come with this supplementary estimate and with these proposals at the end of the year. Sir, so far as the various clauses of the Bill are concerned, we have got fundamental objection to the same. Firstly, on the question of principle. I will not take the time of the House, but I shall simply quote one passage from Mr. Seligman who is regarded as one of the authorities of public finance. He stated: "A general sales tax is a discredited remnant of an outworn system. It is essentially undemocratic in its nature and it would, if enacted, exaggerate rather than attenuate the present inequalities of wealth and income." Mr. Nalini Ranjan Sarker, who was the ex-Finance Minister of this very province and who can certainly claim to be more conversant with the commerce and trade and finance of this country—without meaning any disrespect to the Hon'ble the Finance Minister who is occupying this portfolio to-day—is of opinion that, so far as this measure is concerned, "it increases business costs, tends to restrict consumptiaon, is likely to drive out trade from this province, induces undesirable trade practices, hampers economic efficiency, introduces an element of unfair competition in trade, and it is expensive to collect." This is the certificate which an ex-Finance Minister of this province is giving to the measure introduced by the Hon'ble the Finance Minister at present.

Sir, on the previous occasion I had stated in this House that, so far as the Bill is concerned, it is bound to drive away trade from this province. I am glad to find that an effort has been made in the Select Committee in order to check this flow outside the province by inserting the clause that if a person imports commodities from outside the province and if the value of the commodities be mere Rs. 10,000 he will be liable to taxation. But still I say that even this figure of Rs. 10,000 is sufficient to drive out trade from this province. My objection to this tax is that, so far as this tax is concerned, it tells heavily upon small dealers and consumers rather than the big dealers and the big consumers. You will find, Sir, that economists have found that the imposition of this tax, if it takes 1 per cent. out of the income of the richest man, it takes 60 per cent. out of the income of the poorest man. That is the verdict of economists who have bestowed their attention to this. Now take one complete instance and you will find as to how the incidence of taxation will surely drive out trade from this province, and I require, Sir, the patience of the Hon'ble the Finance Minister for a few minutes, to understand this proposition as to how it will work. Take for instance the case of retail dealers. There is a retail dealer for instance in the mufassal whose sale does not exceed Rs. 50,000; he becomes an unregistered dealer. Now as soon as he purchases his goods from a person in Bengal, he has got to

pay the tax to the wholesale dealer from whom he is purchasing. Now suppose he purchases goods from a wholesale dealer worth Rs. 5,000, then at the rate of say 2 per cent. he will have to pay Rs. 75 or Rs. 80 as tax. Now the wholesale dealer will certainly be able to charge this Rs. 80 from the retail dealer, because as it is a lump sum it has got to be paid as tax. Now take the instance of the retail dealer; that poor fellow is not going to sell the commodities in terms of hundreds or thousands, but he is to sell the commodities in terms of one piece or two pieces or three pieces. Now if that retail dealer sells to you a piece of *dhoti* worth Rs. 1-3-6, will you please tell me as to how it is possible for that small dealer to pass on this tax to you? Even supposing that you raise the price by 1 pice. What about the annas 3-6? What proportion will it bear? Supposing that it is Re. 1-9 or Re. 1-10 and he takes 2 pice on account of the tax, then it bears hard on the consumer, because instead of the consumer paying 2 per cent. tax or Re. 1-9 per cent. tax, he will have to pay more, because after all the retail dealer will have to realise the tax from the consumer and the consumer in certain cases will have to pay more and in other cases the retail dealer will not be able to pass this tax on to the consumer as has been stated by the Hon'ble the Finance Minister. In support of this proposition of mine that, so far as the sales tax is concerned, it cannot be wholly passed on to the consumer and a portion of it must be borne by the retail dealer, I cite this authority. Sir, Mr. Alfred G. Buehler has stated: "The proper rôle of the sales tax in the fiscal system appears to be that of emergency revenue to be resorted to only when normal services are inadequate. The so-called sales tax as a system of sales tax tends to be shifted to the consumers in the form of higher price although sellers may resort to lowering the quality or quantity of taxed articles at existing prices. The shifting of sales tax can be considered only in the light of variable conditions affecting production costs and demand for each commodity or service. If a sales tax is shifted to consumers, it is regressive in its effect, in that it falls most heavily upon the poorest consumers. If it is not shifted, as is frequently the case, they remain with the business as a charge on sales."

Sir, with regard to the various provisions of this Bill, I would draw the attention of the Hon'ble the Finance Minister to this fact, that persons who are liable to taxation are those who purchase goods worth Rs. 10,000 from outside the province mostly. Why should they purchase in this province even goods worth Rs. 9,000 if they can go to the adjoining province of Bihar and purchase goods and sell them free of tax? In this manner the Hon'ble the Finance Minister will realise that this tax is bound to fail if every retail dealer purchases goods worth even Rs. 9,000 from an adjoining province and saves himself from the burden of this taxation. There will be hundreds and hundreds of retail dealers who will be bound to purchase commodities from outside

the province, and if they purchase goods from outside the province, it will be tantamount to a loss of lakhs and lakhs of rupees to this province.

Sir, so far as the iniquitous nature of this tax is concerned, I would draw the attention of the Hon'ble the Finance Minister to three or four clauses. The first is the rate of taxation. With regard to that I would say: Let the Finance Minister proceed cautiously in this matter, and if he at all wants to impose this tax, he should start it with ½ per cent. or half pice per rupee. Let him see the results as to how it affects taxation. After all, it is a new thing in this country. It has failed in Bombay; it has not been successful in Madras. You are embarking on a measure which is an absolutely new measure. Why should he not start cautiously instead of jeopardising the whole trade and commerce of this province? Then, Sir, it has been provided that once a man has been taxed, he will have to pay it for three years. This provision I have noticed nowhere, neither in the English Sales Tax Act, nor in Madras nor in Bombay.

Then, Sir, so far as the other clauses are concerned, I do not think that I have got time to deal with them, but I say this, that so far as this Bill is concerned, it has got to be recommitted to the Select Committee, where across the table they can discuss these propositions. It is very difficult to discuss these amendments on the floor of the House, because if one amendment is lost, Government think that they have lost the confidence of the House and that it is a vote of no confidence. Government rightly or wrongly insists upon the thing and gets it done, but if this Bill is recommitted to the Select Committee, they can think over these points well.

**Mr. W. A. M. WALKER:** Mr. Speaker, Sir, on behalf of the European Party I oppose the motion for recommittal of this Bill to the Select Committee.

My party consider this Bill has been substantially improved in the Select Committee and congratulations are due to the members of the Select Committee and to the Hon'ble Finance Minister for the good work they have done.

Speaking on the motion for reference to the Select Committee of this Bill, Mr. Sassoon stated that the European Party considered that the necessity for this tax had not been established and that we reserved the right to oppose this Bill in its later stages, if we were not supplied with facts and figures which definitely established that the additional taxation was necessary to balance the budget for this year or that there was additional expenditure required for completed schemes which were absolutely necessary. We also asked for certain assurances which the Hon'ble Finance Minister to a large extent was good enough to give us. In taking up this attitude, we were mainly

guided by the fact that India is at war and that it is therefore desirable to avoid, if possible, imposing any additional burden in the form of provincial taxation on the tax-payer in order that he should be able to meet the heavy demands imposed and likely to be imposed upon him by the Centre to finance the war effort. I would like to explain that in taking up this attitude we were not unmindful of the many crying needs of this province and that we did not for one moment mean to suggest that the progress in nation-building schemes must be suspended for the duration of the war. Nor could we be unmindful that in helping to keep the people of this province peaceful and contented we would be making a material contribution to the war. What we did mean to suggest, however, and what I wish to emphasise now, is that war and the heavy burden that it will impose upon the tax-payer is a factor which the Provincial Government must take into account in considering what is possible in the way of advance in nation-building.

The Hon'ble Finance Minister has now supplied us with a statement of the financial position. This statement shows that according to the revised estimates for 1940-41 there will be a deficit of Rs. 107 lakhs. From this sum (as the Hon'ble Finance Minister has admitted), in order to arrive at the recurring deficit, there should be deducted the sum of Rs. 30 lakhs representing non-recurring expenditure on jute which may be recoverable. If, moreover, it is the intention of Government to impose a separate tax on jute, then the expenditure on registration, licensing and checking of jute which would be met out of a jute tax amounting to roughly Rs. 24 lakhs per annum should be deducted, leaving a net deficit of roughly Rs. 53 lakhs to be met by the proposed sales tax. My party consider that this statement establishes the necessity for additional taxation.

My party are aware of the many objections to the sales tax as a form of taxation. It is cumbrous to collect, as a rule easy to evade, it tends to interfere with trade and industry, and it is regressive in character, that is, it does not take into account ability to pay. On the other hand, it is one of the few sources of revenue open to Provincial Governments which is likely to yield a substantial revenue, and it has been widely adopted in Europe and in America. Moreover, Government and the Select Committee have endeavoured not without success to minimise the objections both as regards administration, evasion and interference with trade and industry and as regards the question of ability to pay. The list of exemptions has been extended in such a way as to make it incorrect to say, as my friend Mr. Sircar has said, that the tax will be a burden on the poorer sections of the population. In our opinion, the tax is now an equitable tax which will be paid by all sections of the people proportionately.

On the motion for reference of this Bill to a Select Committee, Mr. Sassoon, on behalf of my party, stated that we considered that the rate of tax should be not more than 1 per cent. In this we were guided

by the fact that a 1 per cent. tax was estimated to yield 1 crore. The Select Committee have reduced the rate of tax from 2 per cent. to 1·56 per cent. They have at the same time considerably extended the list of exemptions from the tax so that it is now doubtful whether a 1½ per cent. tax will yield 1 crore 50 lakhs. I have stated that according to the figures supplied to us by the Hon'ble Finance Minister, the recurring deficit to be met by the sales tax amounts roughly to 54 lakhs. We are prepared to agree, however, that this is not all that will have to be met. We agree that certain additional expenditure will be necessary, for example, in order to make progress with the scheme for the introduction of free primary education for which there is a widespread demand and also with the scheme for the reorganization of the rural health services.

We agree, moreover, that the province should have an adequate closing balance so that the finances of the province will not be run on too narrow a margin and the credit of the province suffer accordingly. We do not agree, however, that the Government should have a large surplus fund at its disposal, even for the purpose of relieving the rather problematical aftermath of the war suggested to us by the Hon'ble Finance Minister. The existence of such a surplus will make the exercise of strict financial control difficult, and I welcome the Finance Minister's assurances on this point. It will be difficult, in our opinion, to prevent such a surplus being frittered away on small schemes which would be of no lasting benefit. We consider that funds should only be raised for nation-building schemes when the schemes are completed and the machinery for carrying them into execution has been properly worked out.

My party have tabled an amendment to reduce the rate of tax from 1·56 to 1 per cent. We consider, however, that for the reasons I have given, the Government have made out a case for 1½ per cent. tax, and we do not therefore propose to move our amendment. We are, however, opposed to any increase in the rate of tax which we consider is ample to meet the deficit as well as to meet any additional expenditure on necessary and completed nation-building schemes and to give the province an adequate closing balance. If the Government can at a future date establish the necessity for an increase in the rate, then let them come forward and do so, and they will find that my party would be prepared to give the matter very careful consideration. Moreover, we would suggest that the Government should be satisfied with the present rate of tax until they know with certainty the yield from this tax and gained experience in its administration.

With these words, Sir, I support the motion for consideration.

**Maulvi ABU HOSSAIN SARKAR:** Mr. Speaker, I support the motion moved by Mr. Banerji and hence I submit, Sir, that I am under

the painful necessity for the second time to oppose this taxation measure of the Government which has been brought to the verge of bankruptcy by mishandling the financial resources. No doubt, it is a matter for great regret not to show sympathy towards a body like the Government of Bengal when it is embarrassed for want of money. But in this particular case, Sir, neither any honourable member of this House nor any responsible gentleman outside will show any sympathy towards the present Government, because everybody knows that originally the financial position of Bengal was not so bad as it is at present. When power came over to the present ministry from the old Government, near about a crore of rupees was at thin credit, but within this short period of four years this sum has been wasted and squandered. And not only that, the Hon'ble Minister in charge of Finance without showing any remorse or any shame for that is going to present us a deficit budget and the funniest thing is that he laughs at his own ignorance. For want of knowledge of controlling expenditure, he has brought this province to the verge of ruin. Sir, so far back as 1938 I hinted that if this ministry were to enjoy their full term of office, the result would be that more than half a dozen taxation measures would be imposed on the province, while the countryside would suffer from want of money as well as of food. And this assertion of mine, we can all now foresee, is going to prove true, I think, in the very near future. This hint, I submit, Sir, I made knowingly after having carefully considered the composition of the ministry which, as it stands, could not but mishandle the finance of any province. Some of the Ministers are too well known for their prodigality; they have squandered away their personal resources and have now become disqualified proprietors of the court of wards; they have likewise squandered their ancestral resources if they had any. And now they have mishandled and squandered away the resources of this province——

**The Hon'ble Mr. H. S. SUHRAWARDY:** May I rise on a point of personal explanation, Sir? I never had any ancestral nor any personal property, but whatever I may have had, I never squandered away my property. And I take responsibility for this taxation measure, and I think the honourable gentleman might refer his remarks upon me and not make any personal attacks on the other members of the ministry. I submit that such a personal attack upon other Ministers is out of order, and I request you to stop it.

**Maulvi ABU HOSSAIN SARKAR:** Sir, I submit that the Hon'ble Minister should not forget that it was he himself who had made personal remarks and personal insinuations which led me to make some references. The Hon'ble Mr. Suhrawardy says that he did not squander away any paternal property he had inherited. That is good. So far as he is concerned, he will soon have his appropriate adjectives when I shall speak about him.

Now, Sir, I submit that the financial position of this province is very bad, and I say it is due to the mishandling by the present ministry, and particularly by the Minister for Finance. My point is that the gentlemen who had been prodigal in handling their own resources having had control over the public exchequer have brought the country's finance to the verge of ruin in order to satisfy their insatiable desire to squander away whatever money they could lay their hands on. And this has been only made possible because of the fact that the Hon'ble Mr. Suhrawardy who may be termed an educated Bohemian has been placed in charge of the keys. Had it not been so, what is the justification for this ministry to bring forward this taxation measure? The Hon'ble Mr. Suhrawardy speaks of nation-building activities in asking for this money; but may I ask him what nation-building work they have done during the last four years? May I draw the attention of this House to the fact that the projects which loomed large at the very start of this ministry are still remaining untouched? One of the problems of which the country was in crying need of solution was the abolition of the zemindari system without paying compensation to the zemindars and establishing proprietary right to the land of the cultivators. May I ask what this ministry has done so far in the matter? Another insistent demand was the reduction of the present high rents of the tenants. Did the ministry ever make any attempt to do anything towards that end? The third thing which has been before the ministry from the very beginning of their coming into power was the introduction of free and compulsory primary education without taxation. It is a matter, Sir, which is still remaining unfulfilled and even untouched. Then, Sir, there were other promises which the ministry made at the time of entering into and forming a coalition. One such promise was to stop the collection of rents by means of the certificate procedure. Sir, they have only suspended the certificate procedure, but they dare not bring forward a Bill for the abolition of this system. Again, Sir, there is the question of reducing the salaries of highly paid officials of Government. The ministry has been showing their so-called activities in various directions, but may I ask what have they done with regard to the reduction of the cost of administration? Has anything been done in that direction? Rather, year after year, month after month, and day after day, the cost is going up higher and higher. Then, Sir, the public demand for the payment of the cost of village chaukidars and other establishments of that nature from the public exchequer has simply been unheeded to by the present ministry, and up till now not a farthing has been paid out of Government resources for this purpose. So far as the question of free medical treatment of villagers and of supplying pure drinking water to them is concerned, Sir, the position now is just what it had been before the present ministry came into power. With regard to the question of re-excavation of dead and dying and silted-up rivers which has for years past been a crying need of the

province and for which a law had been enacted by the previous Government for establishing a permanent Board of Waterways to give effect to this important project, nothing whatsoever has been done by the present ministry since they came into office four years ago. And, finally, I bring the all-important question of jute to the notice of the Hon'ble Minister. This jute problem, Sir, has been mishandled by the ministry more than any other problem. No doubt, they have toured far into the villages, but the haphazard way in which they have been dealing with the jute problem, the erroneous method they have adopted in the recording of jute figures, in a word, the ignorance which they have displayed in this matter has practically set the people to thinking that in the very near future a great famine may come upon us and sweep away a third of the people of the land like the terrible "*Chhattorrer Manwantar.*"

Sir, these are some of the projects which the ministry on coming into office promised to fulfil, and while they have up till now done absolutely nothing, they have come forward with proposals for more money. And when we raised objections to his taxation measures, the Hon'ble Minister has only been good enough to make a speech, casting aspersions on us and saying that the oppositionists are opposing merely for opposition's sake, and that they are neither patriots nor friends of the poor agriculturists. This reminds me, Sir, of a story in Jethrow Browne's book called "Legislation" which runs thus: A Dalmatian robber caught hold of a man, asked money from him, and the latter tried to evade it somehow or other, but when the robbers found out money from his pocket, the chieftain of the robbers cried out, "what liars these people are?" (Laughter.) This is the position taken up by the Hon'ble the Finance Minister. He himself is playing the robber, and calling his victims unpatriotic. The men who are trying to save the poor people from his clutches are termed unpatriotic, and what not! This is the way in which people who extort money from others behave before the public. They make a show as if they are doing everything for the good of the people. He has told us that he is not taxing the necesaries of the poor people, but I would draw his attention to some particular things. Take for example the *biri*. Is it exempted? Is not *biri* consumed by the people and is it not one of their necessaries? Then what about match box? What about mill-made cloths, and what about umbrellas? What about cheap shoes? Are not all these things going to be taxed? Then what about books? Is it not the duty of Government to help people to get free education, cheap education? Is not the Hon'ble the Finance Minister by this taxation measure trying to tax even the Holy Quoran and the Hadis? (Cries of "Shame, shame" from the Opposition Benches.) Is the Holy Bible going to be exempted? Can he say that he is exempting even the Gita and the

Bible and other religious books? (The Hon'ble Mr. H. S. SUHRAWARDY: That is better—say Gita and Bible! That will fall more properly from your lips.) These are some instances of his misdeeds and still shamelessly the Hon'ble the Finance Minister says that he is not taxing the poor people? Then again he says that Government have made sufficient concessions. They have reduced the rate of taxation and have done this and that.

Now, Sir, I would draw the attention of every member of this House to amendment No. 203 proposed by Mr. Shahabuddin, one of the spokesmen of this Government. He proposes the reinstatement of the 2 per cent. tax which the Select Committee reduced to 1 pice per rupee. I say—and I fear, Sir,—that once an amendment is proposed by Mr. Shahabuddin, Government is determined to get that through.

Then, Sir, other things also should have been taken into consideration by Hon'ble the Finance Minister. It is a broad fact that the prices of all materials including foodstuffs have gone up due to war conditions, and this Ministry has voluntarily made it their duty to help the war efforts of the British Government. In the mufassal, I found that officers, especially executive officers from top to bottom, are running from door to door to collect war funds, and they are collecting vast amounts of money from the agriculturists and this by the pressure of their presence. When on account of the war conditions the British Government is appealing for funds even from the poorest of the poor, this Government, in order to overburden the population, is bringing forward a taxation measure of this kind, to bring greater ruination to the country.

(At this stage the House was adjourned for fifteen minutes.)

*(After adjournment.)*

**Rai HARENDRA NATH CHAUDHURI:** Mr. Speaker, Sir, I can well understand the Hon'ble Mr. Suhrawardy's approach to the question that is now before us. He has indulged in anticipatory raillery against the would-be oppositionists who will not agree to his proposition; and in the art of vilification, he is a past master. No one can endeavour to beat him, and I assuredly am not one who is going to emulate him in that dirty art. But, Sir, apart from the abuses in which he has indulged, what are the arguments that he has advanced in support of his proposal for the consideration of the Sales Tax Bill? Sir, no Government in the world would ask the Legislature to pass a taxation measure simply on trust. Every Government attempts to place before the Legislature the relevant facts and figures and to convince the Legislature that without the proposed taxation, either administration would be impossible or necessary expenditure could not be met. But here what do we see? The Hon'ble

Mr. Suhrawardy's first argument is that it is absolutely necessary in the interests of administration. But he has not been able to prove by the facts and figures of his revised and supplementary estimates its necessity at all. The honourable member who is the Leader of the European Group has, however, come to his rescue. He has been pleased to point out to the House that there is an estimated deficit of Rs. 107 lakhs and that the European members of this House are now satisfied with the facts and figures, bare figures though they are, that have been put forward by the Government and that on basis of the revised estimates of the current year alone they can with a clean conscience vote for a taxation measure of such immense proportion for all time to come. But, Sir, let us see what do the revised estimates of the present year disclose? Undoubtedly it is true that there will be, according to the revised estimates, a deficit of Rs. 107 lakhs. But how can one forget that much of the revised estimates of expenditure is of a non-recurring character? There will be no large and permanent addition to the budget at all.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Why?

**Rai HARENDRA NATH CHAUDHURI:** Are we going to be told that Rs. 60,00,000—Loans and advances to the Provincial Co-operative Bank—which figures as the largest item in the Supplementary Demands, is going to be a permanent feature of the budget?

**The Hon'ble Mr. H. S. SUHRAWARDY:** That is outside the figure of Rs. 107 lakhs.

**Rai HARENDRA NATH CHAUDHURI:** Admit it. So we have got to take off Rs. 60 lakhs from the supplementary demands. And on the Revenue Account much of the amount of Rs. 107 lakhs, again, is not of a recurring character and will not be repeated or will be recovered.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, ——

**Rai HARENDRA NATH CHAUDHURI:** Sir, I am not going to give way to the Hon'ble Mr. Suhrawardy.

**The Hon'ble Mr. H. S. SUHRAWARDY:** If you want to mislead yourself, you can do so, but I only wanted to put you right.

**Rai HARENDRA NATH CHAUDHURI:** The Hon'ble Minister has misled the House sufficiently, and I am going to disabuse the House of all his misstatements.

**The Hon'ble Mr. H. S. SUHRAWARDY:** You are arguing on a wrong premise.

**Rai HARENDRA NATH CHAUDHURI:** Sir, my position is that much of the extra expenditure which is responsible for the deficit of Rs. 107 lakhs which appears in the revised estimates and much of the Supplementary Demands are of a non-recurring character. Those figures do not mean any large and permanent addition to the budget. Apart from Rs. 60 lakhs which represents loans and advances to the Provincial Co-operative Bank——

**The Hon'ble Mr. H. S. SUHRAWARDY:** Rs. 60 lakhs is not included in that Rs. 107 lakhs.

**Rai HARENDRA NATH CHAUDHURI:** I am coming to the deficit figure of 107 lakhs presently. Now I am dealing with the Supplementary Budget. That is included in the budget, though not on the Revenue Account. Even taking the Revenue Account, Rs. 55 lakhs we see is going to be spent on agriculture. Of this Rs. 55 lakhs, Rs. 30 lakhs have been spent on jute purchases. Is that money not going to be recovered?

**The Hon'ble Mr. H. S. SUHRAWARDY:** No

(Laughter from the Congress Benches.)

**Rai HARENDRA NATH CHAUDHURI:** There is another big item of Rs. 13, or Rs. 14, or Rs. 15 lakhs for recording of jute lands. Is that going to be another recurring feature? Surely not for many years: it may be for one year or two. You cannot say that it is going to be a permanent feature.

Then, take the item of police. Of Rs. 5,80,000, as much as Rs. 3 lakhs and more are for temporary police and war purposes. That is the only explanation that is offered in the Supplementary Estimates. That is not going to be a permanent addition if the statement has to be believed. I, therefore, submit that so far as the revised estimate for the current year is concerned, it does not stand scrutiny, and it cannot be a substantial argument in favour of the imposition of a sales tax to the tune of Rs. 2 crores.

Then, Sir, the Hon'ble Finance Minister has asked us to believe that all these figures are not estimates, but actuals. What do we see? Even in the revised estimates we see that the total receipts on the Revenue Account will be Rs. 13,78 lakhs instead of the original estimate of Rs. 13,97 lakhs. What was the revised estimate regarding last year? Regarding the last year, at the budget time, the Government said that the total revenue receipts in 1939-40 would be Rs. 14,02 lakhs.

Now we find from the actuals that the total amount of receipts for last year has been Rs. 14,31 lakhs, *i.e.*, instead of a deterioration an improvement to the extent of about Rs. 29 lakhs so far as the actuals are concerned. Who can assure us that the position will not actually be better so far as 1940-41 is concerned, and that there will be no such improvement as in 1939-40? On closer examination of the revenue account, what do we see? Under the head "Customs" alone we are going to lose Rs. 45 lakhs as per revised estimate, but in spite of that we are going to have a deterioration on the whole of only Rs. 19 lakhs. Other sources have looked up and are looking up. Therefore, we cannot take Rs. 13,78 lakhs as the final figure of our total receipts in the current year. So far as the next year's budget is concerned, one does not know what will be the deficit. All that the Hon'ble Finance Minister has told us is that extra expenditure this year will deplete the current year's closing balance, and that it will be a great strain on that closing balance to meet the coming year's deficit. That is simply a statement and a conjecture. That is no more than a guess and not at all substantiated by figures. It is just for that reason that I propose in my amendment that the Bill be referred to the Select Committee, so that the Select Committee may peruse the next budget figures and after seeing the next budget figures come to their considered opinion as to whether the proposed sales tax is necessary or not or, if necessary, to what extent.

Then again, Sir, the Hon'ble Finance Minister expects us to believe that the Government would spend the new money in nation-building activities. But the only purpose of new taxation that was disclosed in his financial statement last February was that he intended to impose new taxes simply to build up reserves against post-war depression. That was the only object that was stated in his Budget Speech, and now to catch the imagination of the House he is promising us a Bengal which will flow with milk and honey if this taxation measure be passed. But who does not know that the Government had a pretty large balance when they started to work? The Niemeyer Award gave them at least Rs. 3 crores of extra revenue, but how did this Government utilise those resources? Let us see the achievements of the first year of this Government as described in the Report of the Public Accounts Committee on Appropriation Accounts for the year 1937-38. I am quoting from a document that cannot be challenged by any section of this House as the report has been subscribed to by representatives of all sections of the House and even by the then Finance Minister. In the report you will find these observations recorded by the committee, viz.—"We notice some instances in which lump provisions included in the budget could not be utilised during the year. This was due to the absence of detailed schemes. In our opinion lump provisions should not be included in the budget for schemes the details of which have not been fully worked

out, although we realise that this may be unavoidable in very exceptional cases." Again they say, "We notice large savings under the heads Public Health, Medical and Industries."——

**The Hon'ble Mr. H. S. SUHRAWARDY:** In 1938-39?

**Rai HARENDRA NATH CHAUDHURI:** Wait, wait, let me finish 1937-38 first. The Committee continue "Effort should be made to utilise the budget provisions under such heads without sacrificing the efficiency."

So, there was no dearth of money in 1938, there was dearth of schemes; and the persons who were responsible for dearth of schemes are now coming forward and accusing us of vacuity of our mind. Take, again, the particular head of "Irrigation." "Under Irrigation and Civil Works," observe the Committee, "we come across several schemes which could not be fully carried out owing to delay in the preparation of detailed schemes and in respect of sanction, etc." This was, Sir, the first year's achievement in nation-building. The financial record of the first year's administration completely proves that no Government in this world came to their office with so vacuous a mind in respect of new schemes as the present Government of Bengal.

Now, let us pass on to the report for 1938-39—the Report of the Public Accounts Committee I mean. This is the report that has been again subscribed to not only by representatives of all sections of the House, but even by the present Finance Minister who a minute ago was so much anxious to hear the facts about 1938-39, and, Sir, we come across these observations in the report—this report was presented only the other day—"We observe an unusually large percentage of savings—under heads Irrigation 22·6, Agriculture 18·2, Industries 15·1, Public Health 13·5. In our previous report we recommended that efforts should be made to utilise the budget provisions under such heads without sacrificing efficiency. We repeat the recommendation that we made last year that money voted by the Legislature for nation-building activities should be properly utilised in future."

(At this stage the blue light was lit.)

Sir, I hope you will kindly allow me to speak for at least five minutes more.

**Mr. SPEAKER:** Just try to finish your speech as early as possible.

**Rai HARENDRA NATH CHAUDHURI:** All right, Sir.

This shows that in the second year also there was no dearth of money, but there was again dearth of schemes, and the budget provisions could not be sufficiently utilised because the Government of

Bengal could not produce any mature schemes ready for execution. And still Mr. Walker thinks that mature schemes ready for execution will be forthcoming as soon as the Sales Tax Bill is passed with the blessings of his group.

Sir, I have one point more. My proposal is that we should recommit this Bill to the Select Committee for two reasons—first of all, to ascertain whether any big taxation measure as the sales tax is necessary or not, and secondly if additional funds are necessary, to what extent. I am not going to put forward the argument—it will be too late in the day to argue indeed—that Government cannot resort to sales tax. They have resorted to sales tax in other countries to balance the budget in emergencies. But the necessity for this taxation measure here and now must be proved, and unless that is proved, we are not going to take the Government, at least this Government, in trust.

**Mr. FARHAD REZA CHOUDHURY:** Sir, the question be now put.

(On Rai Harendra Nath Chaudhuri concluding his speech, Mr. Niharendu Dutta Mazumdar rose on his feet, but Mr. Speaker called the Hon'ble Mr. H. S. Suhrawardy for making his reply.)

**Mr. NIHARENDU DUTTA MAZUMDAR:** Sir, may I have this opportunity to speak on this very important subject?

**Mr. SPEAKER:** I have given opportunities to all sections of the House to speak, but now that the closure motion has been moved, my difficulty is that I cannot further continue the debate without putting that motion first. I think it is the duty of party members to arrange beforehand in consultation with their respective whips as to which of the party members would speak. If that is done and I am informed beforehand, it would help me much. Moreover, when the closure motion has been put after ample opportunities have been given to all the parties, my difficulty is that I cannot unduly prolong the debate.

**Mr. SASANKA SEKHAR SANYAL:** In view of the fact that Mr. Dutta Mazumdar belongs to a special constituency, it is but meet and proper that the section of the people whom he represents should be given an opportunity to express their view-point through him.

**Mr. SPEAKER:** In that view, Mr. Dutta Mazumdar, I am allowing you to speak, but I would request you to finish your speech in five minutes.

**Mr. NIHARENDU DUTTA MAZUMDAR:** Thank you, Sir. I shall try my best to finish within the time that you have been kind enough to allow me.

Sir, I rise to oppose the consideration of this Bill and, therefore, support the motion for recommittal. Sir, at this stage members of this House have got the report of the Select Committee. I find at a glance of the report that no less than five out of the nine members of the Select Committee have submitted minutes of dissent on points which are fundamentally basic objections to a measure of this kind. I understand that a sixth member has also submitted his minute of dissent. Now, Sir, I ask if out of a Select Committee of nine members six have come forward raising fundamental objections to this Bill, and raising points which are weighty and worthy of consideration, then is it not only reasonable and fair to ask that the Bill should be recommitted to the same Select Committee for reconsideration? Sir, irrespective of parties and groups in this House, ranging from the Opposition and the Coalition alike to the privileged European Party, all have for once, at least, sung a chorus of disapproval in respect of this measure on very fundamental points. This is a fact worth considering. Here, Sir, I cannot help mentioning that with amazement I watched the honourable the Leader of the European Party performing an amazing feat. In that wonderful and spectacular somersault which he has demonstrated before this House to-day, probably no part of his limbs suffered dislocation except his conscience which, naturally flexible as it is, he tried to fortify by a hesitantly written speech, but read out very well with all the qualities of eloquence and elocution and trying to put up arguments which would be poor consolation to anybody but himself and probably the Hon'ble the Finance Minister who now stands so much in need of sympathy, having, in his vacuous state of mind, only given out howls and shrieks and screams in his all-round condemnation of all who might dare to oppose. Probably he was too well aware of the weakness of his case and tried to make up for his deficiencies by being abusive in anticipation of his critics. He has only drawn the attention of this House, for once, let us say, with approval, to the point which has been raised by Sir Henry Birkmyre that there should be no such measure unless definitely completed and absolutely necessary schemes have been produced before the House. The Hon'ble Minister has all the time tried to advance the plea of nation-building as warranting this measure. What, after all, Sir, are the constituents of nation-building? If you bring in the plea of nation-building, you must build the nation economically, culturally and morally. For the work of nation-building there must be a comprehensive and well thoughtout plan. Where is that plan? We understood, when months ago this measure was first introduced, that the Hon'ble Finance Minister would come before the House with the report of the Select Committee and a

scheme well formulated. In formulating that scheme he would take all sections of this House into confidence. That scheme would be first put forward before he came up to the House. Instead of coming forward with arguments of abuses he would actually try to convince this House by advancing schemes which would justify additional expenditure and taxation. Sir, here it is worthwhile noting that this Government which started with a huge surplus failed, in the course of the last four years, even to spend a reasonable amount with a view to formulate a scheme of nation-building. A Government which has consistently for the last four years neglected even formulating any scheme of nation-building comes forward at this fag-end of the day in the name of nation-building with new taxation measures. Sir, we have seen how Government revenues have been wasted time and again. It is time for this House to pause and raise the question—Can this House take the responsibility of passing a measure of taxation of this nature and placing huge sums at the disposal of this Government, particularly, at the disposal of the Hon'ble Finance Minister, without any scheme whatsoever, on a mere word of trust, on dreams of nation-building, but in actual practice to see the money evaporating all the while in the wastes of planlessness?

Sir, Mr. Walker, again and again, with not insignificant emphasis, pointed out that at the time of war it was necessary to have this taxation, and he was satisfied that this measure is justified. Would it be out of place, Sir, to ask Mr. Walker: Was there a *quid pro quo* arrangement between the Hon'ble Finance Minister and himself? How much did the Hon'ble Finance Minister promise him to advance by hook or by crook at a later date, springing a surprise on this House, for war purposes? Was there no backdoor arrangement of this kind? Would it be altogether out of place to ask that? Mr. Walker stated that India is at war. I think Mr. Walker would have done greater justice to truth if he had said that the Government of India, which can please itself without any reference to the wishes of the Indian people, is at war. The Government of India is at war with the Indian people and with the enemy on the front. With the people in the rear and the enemy in the front, sandwiched between the two fronts of war, Mr. Walker comes forward and supports the Hon'ble Mr. Suhrawardy who comes forward in this House, on the plea of nation-building, for taxation measures and for further draining of the meagre resources of the people. Mr. Suhrawardy gave the example of a man buying about three pieces of cloth a year and asked why should he grumble if he has to pay another pice in a rupee. Sir, may I ask Mr. Suhrawardy, does he not know that there are lakhs and lakhs of people in this country who can ill-afford to buy even three pieces of cloth a year and for want of that cloth have to go naked, starving and hungry? When after this you come forward and say that he will have to pay only an additional

pice, it is nothing short of an example of the actions of the Dalmatian robber which my friend Mr. Sarkar so ably cited. I ask Mr. Suhrawardy to consider why did he not come forward with a straightforward measure of taxation on luxury, straightforward measure of taxation on inheritance, to levy death duties on people who leave huge assets? Why does he not come forward with a measure of taxation of export of capital? Why does he not calculate and take into account the huge assets with which the foreign traders from this country go back to their own lands after having amassed huge fortunes? If he had done that, it would have left us some resources for nation-building work. Let Mr. Suhrawardy come forward with a measure of this kind, and he will get the whole House as his ally instead of seeking his much harassed friend, the Leader of the European Group, sandwiched between the bombardments of the Germans on the one side and the menace of the Russians on the other. Let the members of the European Group save themselves first before they give their support to this Bill of taxation on pretext of building our nation.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, I feel that I cannot accept the bait which has been offered by Mr. Niharendu Dutta Mazumdar. I do not think that whatever service I may render to the people, whatever good I may have done to the people of this province, I shall ever get his support, and I must be content to do without it.

Sir, before I reply to the points which have been raised in the course of the speeches, I must express my regret to those members of the Opposition—I believe they were in the Opposition—who interrupted me in the course of my first speech and whom I addressed as possessing vacuous minds. I am sorry that the provocation which they offered me led me to make that remark. This is all that I can say. I directed my remarks to those only who interrupted me, and I hope that the members of the Opposition will not invite that remark again by interrupting me.

**Mr. SARAT CHANDRA BOSE:** The members of the Opposition treated that remark with contempt.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, Mr. Sarat Chandra Bose is interrupting me.

**Mr. SARAT CHANDRA BOSE:** The Hon'ble Mr. Suhrawardy should not forget what he did when Rai Harendra Nath Chaudhuri was speaking.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, Mr. Sarat Chandra Bose is again interrupting me. As I said, Sir, I offer my regret to those honourable members. If that remark has stung them to that extent, I am very sorry.

Sir, it has been stated by the honourable gentlemen opposite that under the Niemeyer Award we had three crores of rupees at our disposal. I pointed out on the last occasion and I repeat that after checking the figures very carefully and after rechecking budget after budget we have ascertained that the sole sum of money available to this Government as a recurring expenditure was Rs. 65 lakhs per year and no more—not Rs. 3 crores; and the sooner my friends opposite disabuse themselves of the notion that we had an enormous sum of money to spend, the more informed will be the criticism that they will be able to level against Government. Out of these 65 lakhs, I have pointed out that nearly every farthing has been spent on nation-building departments. The Education Department alone is responsible for Rs. 35 lakhs, the Debt Conciliation Boards for Rs. 22 lakhs; the Public Health and Medical and various other departments being responsible for the balance. Therefore, I do not think that we have been guilty of great extravagance, and that we have been spending our money in an unpardonable manner.

Sir, I join issue with Mr. Sasanka Sekhar Sanyal when he says that this tax is a most hated and dreaded thing. It is nothing of the kind. It all depends on how my friends misrepresent the tax to the people. I have also addressed vast crowds, possibly vaster crowds than has fallen to the lot of my friend Mr. Sanyal to address, and to them I have explained the meaning of this tax, and I have warned them also of the fact that they will have to pay the tax. I have also given them the assurance which I gave this afternoon, that this money will be spent on nation-building departments and there are schemes available and that it is no use referring to the public accounts of 1938-39 and 1939-40; and everywhere this tax has received the support of the audience. One being major scheme, namely, primary education, is ready. Nobody can deny that it is not ready. Nobody can deny, too, that if it is to be put into operation in all the districts it will cost us Rs. 1,37,00,000 recurring. To turn round now and say that no scheme is ready and that this money cannot be spent is not correct. There are many schemes which we could have proceeded with, but we did not do so, because we did not know where the money was to come from. Take the tuberculosis scheme which we are considering. Big central institutions with training facilities in the five divisions, tuberculosis hospitals and aftercare institutions in the various places—all these require money. It is no use taking up a scheme of that nature unless we know that the money is forthcoming. Even now when there is such great pressure for money, it is being opposed by a section of the

House who, if I may repeat, have little right to call themselves friends of the people. They tell us "where is the water-supply, give us water-supply." "Give us free and compulsory primary education" says one honourable member. Does he now know that free and compulsory primary education cannot be had unless we have Rs. 3 crores recurring, and no Government in Bengal has ever had Rs. 3 crores recurring to spend on primary education. What is the use of talking about these things without providing us with the money to spend on them? Surely they are not friends of the poor people if they turn down this taxation measure which is absolutely essential if we are to carry on. It is said that I should be ashamed of the deficit with which the budget is faced. We are not ashamed of it—rather we are proud of it because this deficit shows that we are constantly thinking out newer and fresher schemes for the benefit of the province, and constantly developing our nation-building activities. This deficit is exactly what the financiers opposite required as a prerequisite—they say, first have a deficit and then come up for taxation. I have said that the deficit which we have at the present moment is a deficit which we have incurred on nation-building departments. So why should we be ashamed of it? I will prove to the hilt when I place the budget before you that our new expenditure is almost completely due to the nation-building departments (Cries of "Question, question" from Opposition Benches.) and I hope at that moment the honourable members opposite will feel ashamed of themselves.

Again, Sir, we have been told that we should retrench. Sir, we have retrenched as much as possible; as I have pointed out over and over again, the late Government retrenched to the last bone, and I am still re-examining further avenues of retrenchment. You cannot retrench in a day, nor can you put forward schemes which will enable us to save any money commensurate with our requirements. My friends there are now saying that Ministers and members should also have their emoluments retrenched. Now, this is the first time that the honourable members associate themselves with the Ministers. But I maintain—though I will consider this question—that the members of this House well deserve the emoluments which have been allotted to them. I know of many members who have devoted themselves honestly and sincerely to the service of the country, and I know of many Ministers who have done the same thing (Mr. ABU HOSSAIN SARKAR: You are oiling your own machine!) and who have possibly disdained better prospects than is afforded by being a Minister with such an opposition in this House. But the question may be considered if my friends are unanimous upon this point.

Sir, Mr. Jalan is continuously harping on the deficiencies of a general sales tax bill. His criticisms have not been convincing, because he is still under the delusion that this is a general sales tax.

He will insist on calling this a general sales tax. He will quote remarks levelled against a general sales tax. This is not a general sales tax. It is a one-point tax on turnover with certain exemptions. This is not a general sales tax, I repeat, and my friends who have studied this question will find ample material to differentiate this tax from what is known as a general sales tax. He has quoted certain statements. He has quoted the ex-Finance Minister, my honourable friend Mr. Nalini Ranjan Sarker. My friend Mr. Nalini Ranjan Sarker has admitted on the floor of the House that he himself, while he was in office, initiated this measure, at any rate the consideration of some form of sales tax. He was probably thinking of a general sales tax. I have given him a sales tax which is much better and yet Mr. Sarker, when out of office, makes a statement which I think, will have to be taken with a grain of salt. I would like to see what statement Mr. Sarker would have made had he sponsored this Finance Bill and placed it before the House.

Sir, I am grateful for the speech of Mr. Walker: in particular I am grateful for the opinion of his party, that they never meant to suggest that nation-building work must be suspended during the progress of the war. On the last occasion when I heard a speech from that section of the House, I had occasion to remark that it sounded very much like an expression of opinion that as long as the war lasted nation-building work should be suspended. I am glad to be able to retract that opinion now, and I hope that in our efforts to improve nation-building services, Mr. Walker and his group will support us in the fullest measure. (Mr. SURENDRA NATH BISWAS: What is the reply to Sir Henry Birkmyre?) As I have said before, I do not quite agree with the opinion that Government should not have a big surplus or a big closing balance. Unfortunately the financial position of this Government is such that we are not likely to have a large surplus; but I wish that I had a large surplus, because I am confident myself that even if we had a large surplus we shall be able to control our purse satisfactorily. If I was not so confident, I would have agreed that a large surplus was dangerous. But, Sir, I am not afraid of it. On the other hand, it gives encouragement to us to go in for larger measures of nation-building and, as I said on the last occasion, to do things in a big way and not to tinker with small projects. Small surpluses do not give that encouragement to those who are anxious to do something for the people and to conceive things in a big way. It has its psychological effects of depression.

I think, Sir, I have met all the points that have been raised by the honourable members. Before I sit down I will request them to consider the realities of the situation. I do not admit that we have mishandled our resources. But the fact remains that there is a big deficit this year which has made it necessary for us to draw so much on

the closing balance that what is left of the closing balance will not be sufficient to meet the deficit next year, and this taxation is absolutely imperative. We have on this occasion not merely to meet a recurring deficit which Mr. Walker has calculated at Rs. 54 lakhs, but to which I may add another 25 lakhs totalling Rs. 78/79 lakhs, because up till now the jute tax has not been placed before the House. We have not only to meet this deficit, but we have this year added considerable sums of money to the various nation-building services, and I hope the House will be satisfied when the budget will be placed before it. This means that our deficit will be much more considerable than will appear merely on a consideration of this year's deficit. The ball must be kept rolling. Year after year more and more money must be spent on nation-building departments if we have to progress. If this year there is a deficit of Rs. 78 lakhs, you may rest assured that there will be considerably more next year, and you have got to take it not merely on trust but the necessities of the situation must compel you to accept this as a statement of fact. Every year any Government, if they propose to remain in power, must go on adding to the nation-building departments, and in that view, Sir, I hope I shall have the support of all sections of the House in the consideration of this Bill.

The motion of Mr. P. Banerji that the Bengal Finance (Sales Tax) Bill, 1941, be recommitted to the same Select Committee with instructions to submit their report and that the quorum of the Select Committee be fixed at five, was then put and a division taken, with the following result :—

**AYES—54.**

Abdul Wahed Maulvi.
Abu Hossain Sarkar, Maulvi.
Abul Fazl, Mr. Md.
Ahmed Khan, Mr. Syed.
Asimuddin Ahmed, Mr.
Banerji, Mr. P.
Banerji, Mr. Satya Priya.
Barman, Babu Shyama Prosad.
Basu, Mr. Santosh Kumar.
Bhowmik, Dr. Gobinda Chandra.
Biswas, Mr. Surendra Nath.
Bose, Mr. Sarat Chandra.
Chakraborty, Mr. Jatindra Nath.
Chaudhuri, Rai Harendra Nath.
Das Gupta, Babu Khagendra Nath.
Deivi, Mr. Harendra Nath.
Dutta Gupta, Miss Mira.
Dutta Mazumdar, Mr. Niharendu.
Emdadul Haque, Kazi.
Ghose, Mr. Atul Krishna.
Gupta, Mr. Jogesh Chandra.
Gupta, Mr. J. N.
Hasan Ali Chowdhury, Mr. Syed.
Jalan, Mr. I. D.
Jonab Ali Majumdar, Maulvi.
Khaitan, Mr. Debi Prosad.
Khan, Mr. Debendra Lall.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nishitha Nath.
Maitra, Mr. Surendra Mohan.
Majumdar, Mrs. Hemaprova.
Mal, Mr. Iswar Chandra.
Mandal, Mr. Amrita Lal.
Mandal, Mr. Jogendra Nath.
Mandal, Mr. Krishna Prasad.
Maniruzzman Islamabadi, Maulana Md.
Maqbul Hosain, Mr.
Mukerjea, Mr. Taraknath, M.B.E.
Mullick, Srijut Ashutosh.
Nasker, Mr. Hem Chandra.
Ramizuddin Ahmed, Mr.
Roy, Mr. Charu Chandra.
Roy, Mr. Kiran Sankar.
Roy, Mr. Kishori Pati.
Roy, Mr. Manmatha Nath.
Sanyal, Mr. Sasanka Sekhar.
Sen, Mr. Atul Chandra.
Sen, Rai Bahadur Jogesh Chandra.
Sen-Gupta, Mrs. Nellie.
Shahedali, Mr.
Shamsuddin Ahmed, Mr. M.
Singha, Babu Kshetra Nath.
Sinha, Srijut Maniendra Bhusan.
Walker Rahaman, Maulvi.

**NOES—90.**

Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Hamid, Mr. A. M.
Abdul Hamid Shah, Maulvi.
Abdul Majid, Maulvi.
Abdul Wahab Khan, Mr.
Abdulla-Al Mahmood, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rashid Mahmood, Mr.
Abdur Rashood, Maulvi Md.
Abdur Rauf, Khan Bahadur Maulvi S.
Abdur Rauf, Khan Bahadur Shah.
Abdur Razzak, Maulvi.
Abdus Shaheed, Maulvi Md.
Abul Hashim, Maulvi.
Abul Quasem, Maulvi.
Aftab Ali, Mr.
Ahmed Hosain, Mr.
Aftazuddin Ahmed, Khan Bahadur Maulvi.
Aminullah, Khan Sahib Maulvi.
Amir Ali Mia, Maulvi Md.
Ashrafali, Mr. M.
Asiad Hossain Khan, Khan Bahadur Maulvi.
Azhar Ali, Maulvi.
Badruddoja, Mr. Syed.
Birkmyre, Sir Henry Bart.
Chippendale, Mr. J. W.
Clark, Mr. I. A.
Das, Mr. Anukul Chandra.
Das, Rai Sahib Kirit Bhusan.
Farhad Raza Chowdhury, Mr. M.
Farhat Bano Khanam, Begum.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr. (Dacca).
Gladding, Mr. D.
Griffiths, Mr. C.
Gyasuddin Ahmed Choudhury, Alhadj.
Habibullah, the Hon'ble Nawab Bahadur K., of Dacca.
Hafizuddin Choudhury, Maulvi.
Hamiduddin Ahmad, Khan Sahib.
Hasanuzzaman, Maulvi Md.
Hasbem Ali Khan, Khan Bahadur Maulvi.
Hasina Murshed, Mrs., M.B.E.
Hatemally Jamadar, Khan Sahib Maulvi.
Hawkings, Mr. R. J.
Heywood, Mr. Rogers.
Hirtzel, Mr. M. A. F.
Jasimuddin Ahmed, Khan Sahib Maulvi.
Kabiruddin Khan, Khan Bahadur Maulvi.
Kazem Ali Mirza, Sahibzada Kawan Jah Syed.
Kennedy, Mr. I. G.
McGregor, Mr. G. G.
Maguire, Mr. L. T.
Mandal, Mr. Jagat Chandra.
Maniruddin Akhand, Maulvi.
Miles, Mr. C. W.
Morgan, Mr. G., C.I.E.
Moslem Ali Mollah, Maulvi. M.
Muhammad Afzal, Khan Bahadur Maulvi Syed.
Muhammad Israil, Maulvi.
Muhammad Siddique, Khan Bahadur Dr. Syed.
Muhammad Solaiman, Khan Sahib Maulvi.
Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustagawsal Haque, Mr. Syed.
Nasarullah, Nawabzada K.
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E.
Norton, Mr. H. R.
Raikut, the Hon'ble Mr. Prasanna Deb.
Razaur Rahman Khan, Mr.
Roy, Mr. Dhananjoy.
Sadaruddin Ahmed, Mr.
Safiruddin Ahmed, Haji.
Saheb-Alam, Mr. Syed.
Sanaullah, Al-Hadj Maulana Dr.
Sarkar, Babu Madhusudan.
Sassoon, Mr. R. M.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja, C.B.E.
Sinclair, Mr. J. F.
Sirdar, Babu Litta Munda.
Smith, Mr. H. Brabant.
Steven, Mr. J. W. R.
Suhrawardy, the Hon'ble Mr. H. S.
Spiller, Mr. J. H.
Tamizuddin Khan, the Hon'ble Mr.
Tofel Ahmed Choudhury, Maulvi Haji.
Walker, Mr. W. A. M.
Whitehead, Mr. R. B.
Yousuf Mirza.
Yusuf Ali Choudhury, Mr.
Zahur Ahmed Choudhury, Maulvi.

The Ayes being 54 and the Noes 90, the motion was lost.

The original motion of the Hon'ble Mr. H. S. Suhrawardy that the Bengal Finance (Sales Tax) Bill, 1941, as reported by the Select Committee, be taken into consideration, was then put and agreed to.

## Adjournment.

The House was adjourned at 7-5 p.m. till 4-45 p.m. on Monday, the 10th February, 1941, at the Assembly House, Calcutta.

# Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Monday, the 10th February, 1941, at 4-45 p.m.

## Present:

Mr. Speaker (the Hon'ble Sir MUHAMMAD AZIZUL HAQUE, C.I.E., Khan Bahadur) in the Chair, 9 Hon'ble Ministers and 184 Members.

## Obituary.

**Mr. SPEAKER:** Ladies and gentlemen, the House must be grieved to learn the sudden death of Mr. Surendra Mohan Moitra who represented the North Bengal Municipal (General) constituency. He was a member of this House from the beginning of the new Constitution, and his manner and temperament were such that won the heart and admiration of all. I am sure it is the desire of the House that the deepest condolence on our behalf should be conveyed to the bereaved family and I hope, ladies and gentlemen, you will kindly rise in your seats in order to express your sense of condolence.

(Members rose in their seats.)

Thank you, ladies and gentlemen.

Following the established convention when a sitting member dies while the House is in session, I feel we should adjourn the House to-day.

## Adjournment.

The House was adjourned at 4-47 p.m. till 4-45 p.m. on Tuesday, the 11th February, 1941, at the Assembly House, Calcutta.

## Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Tuesday, the 11th February, 1941, at 4-45 p.m.

### Present:

Mr. Speaker (the Hon'ble Sir MUHAMMAD AZIZUL HAQUE, C.I.E., Khan Bahadur) in the Chair, 9 Hon'ble Ministers and 204 members.

**Mr. SPEAKER:** I have just been informed by the Hon'ble Chief Minister that there are certain matters which they are considering in connection with the Sales Tax Bill and that he and others would be here in about 15 minutes' time. In the ordinary course, I would not have accommodated him, but in view of the special nature of the discussions on the Bill pending before the House, I think it would probably be better to adjourn the House for 15 or 20 minutes to give them a chance to come to an agreement.

**Mr. NIHARENDU DUTTA MAZUMDAR:** I hope that there would be no curtailment of the time available for putting supplementary questions.

**Mr. SPEAKER:** Under the rules, the time allotted for questions is one hour.

(The House was then adjourned for 20 minutes.)

*(After adjournment.)*

## STARRED QUESTIONS

### (to which oral answers were given)

### Revenue receipts of Government and expenditure incurred under new schemes.

*57. **Rai HARENDRA NATH CHAUDHURI:** Will the Hon'ble Minister in charge of the Finance Department be pleased to state—

(*a*) the actuals of revenue receipts during—

(*i*) 1939-40,

(*ii*) the first nine months of 1940-41, and

(*iii*) the revised estimates of receipts for the whole financial year 1940-41 under the following heads of revenue:—

(1) Customs,

(2) Income-tax,

(3) Land Revenue,

(4) Excise,

(5) Stamps,

(6) Forest,

(7) Other taxes and duties,

(8) Industries, and

(9) Miscellaneous;

(*b*) the new schemes undertaken by the Government since 1938; and

(*c*) the actual expenditure incurred in pursuance thereof during 1938-39, 1939-40 and 1940-41?

**MINISTER in charge of the FINANCE DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy):** (*a*) (*i*) Rs. 14,31,66,518 and (*ii*) Rs. 7,60,14,689.

(*iii*) The revised estimates are—

| | | Rs. |
|---|---|---|
| (1) Customs | ... | 1,75,00,000 |
| (2) Income-tax | ... | 78,00,000 |
| (3) Land Revenue | ... | 3,61,50,000 |
| (4) Excise | ... | 1,75,00,000 |
| (5) Stamps | ... | 2,55,00,000 |
| (6) Forest | ... | 24,88,000 |
| (7) Other taxes and duties | ... | 50,87,000 |
| (8) Industries | ... | 22,03,000 |
| (9) Miscellaneous | ... | 20,40,000 |

(*b*) The honourable member is referred to the Red Book for 1938-39, 1939-40 and 1940-41 for a list of the new schemes undertaken by Government since 1938.

(*c*) The information is not readily available and will take time to collect.

**Delimitation of constituencies of Noakhali District Board.**

*58. **Mr. SYED ABDUL MAJID:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*i*) when the term of the present Noakhali District Board will expire;

(*ii*) when the next general election of the District Board is due to take place; and

(*iii*) whether the delimitation of the various constituencies under the Board has been settled?

(*b*) If the reply to (*a*) is in the negative, will the Hon'ble Minister be pleased to state the nature of steps, if any, taken by Government to settle the delimitation of constituencies?

**MINISTER in charge of the PUBLIC HEALTH and LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca):** (*a*) (*i*) The five-year term of office of the present members of the District Board will expire on the 17th July, 1941.

(*ii*) Before the expiration of the term of the present Board.

(*iii*) No.

(*b*) The proposal for the delimitation of constituencies of the Noakhali District Board, submitted by the local officers, was found to be unsatisfactory in certain essential particulars and it was, therefore, returned to them for necessary modifications. The revised proposal is expected to be submitted to Government shortly.

**Mr. SHAHEDALI:** In answer to question (*b*) the Hon'ble Minister has stated that "the proposal for the delimitation of constituencies of the Noakhali District Board submitted by the local officers was found to be unsatisfactory in certain essential particulars." Will the Hon'ble Minister be pleased to state what are those essential particulars?

**The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:** It was found when the proposal for delimitation of constituencies was sent up that in certain double-seat constituencies the number of population was less than those of single-seat constituencies and it was sent back. How can the number of population in double-seat constituencies be less than those in single-seat constituencies?

**Dividends granted by certain jute mills in Bengal and corresponding prices of jute for cultivators of Bengal.**

*58. **Dr. SURESH CHANDRA BANERJEE:** (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state whether certain jute mills in Bengal made large profits and declared dividends to the extent of as much as 30 per cent. per annum for the half-year ending with the 30th September, 1940.

(*b*) Whether during the corresponding period the cultivators of Bengal got very low price for their jute?

**MINISTER in charge of the AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan):** (*a*) It is quite possible that some jute mills made large profits during the period mentioned. I have no special knowledge of the dividends paid but from such journals as *Indian Finance* and *Capital*, I can find no case of a dividend as high as 30 per cent. for the period in question.

(*b*) It cannot be said that throughout the corresponding period the level of raw jute prices was satisfactory but considering all factors including the large supply and the curtailed demand, there is little doubt that prices would have been very much lower but for the measures taken by Government to maintain them.

**Mr. SURENDRA NATH BISWAS:** In view of the fact that the jute mills made large profits, though not amounting to a huge sum, will the Hon'ble Minister be pleased to state what were the reasons for Government acceding to the reduction of jute price in July as per agreement with the jute mills——

**Mr. SPEAKER:** What exactly is your question?

**Mr. SURENDRA NATH BISWAS:** My question is this: I take it that some large profits were made by jute mills.

**Mr. SPEAKER:** Do you put your question on the statement: "It is quite possible that some jute mills made large profits"?

**Mr. SURENDRA NATH BISWAS:** Yes, Sir.

**Mr. SPEAKER:** On that you cannot put a supplementary question.

**Mr. SURENDRA NATH BISWAS:** Will the Hon'ble Minister be pleased to state whether Government is aware that jute mills made bigger profits during the period in question than what they made during the last two or three previous years?

**The Hon'ble Mr. TAMIZUDDIN KHAN:** That was not the question put, and I have not collected the comparative figures.

**Mr. SURENDRA NATH BISWAS:** Will the Hon'ble Minister be pleased to state whether Government are informed that jute mills made good profits during the last half-year ending 30th September?

**The Hon'ble Mr. TAMIZUDDIN KHAN:** Yes.

**Mr. NIHARENDU DUTTA MAZUMDAR:** Will the Hon'ble Minister be pleased to state what steps Government took to ascertain the amounts of profits that different jute mills made and the dividends that they declared?

**The Hon'ble Mr. TAMIZUDDIN KHAN:** I have mentioned that. I have referred to the *Indian Finance* and *Capital*.

**Mr. NIHARENDU DUTTA MAZUMDAR:** The Hon'ble Minister's answer is—"It is quite possible that some jute mills made large profits during the period mentioned." Did the Hon'ble Minister try to ascertain from the jute mill companies themselves the figures of the profits they made and the dividends they paid?

**The Hon'ble Mr. TAMIZUDDIN KHAN:** That was not necessary. There was no reason to suspect the figures given in the *Indian Finance* and *Capital*. I would like to state that it is extremely difficult to find out from the news reports what exactly their profit was.

**Mr. NIHARENDU DUTTA MAZUMDAR:** Will the Hon'ble Minister be pleased to state, since this question was tabled, whether Government thought it necessary to ascertain the facts directly from the balance sheets and the records of the mill companies instead of trying to carry on the guess-work from the *Indian Finance*, *Capital* and other journals?

**The Hon'ble Mr. TAMIZUDDIN KHAN:** That was not considered necessary.

**Mr. SURENDRA NATH BISWAS:** Will the Hon'ble Minister be pleased to state what were the amounts of profit that he could find stated in the *Indian Finance* and *Capital* which he referred to?

**The Hon'ble Mr. TAMIZUDDIN KHAN:** The amount was below 30 per cent.

**Mr. NIHARENDU DUTTA MAZUMDAR:** Will the Hon'ble Minister please give us the precise dates of publication of the *Indian Finance* and *Capital* which he has referred to?

**Mr. SPEAKER:** That question does not arise.

**Mr. NIHARENDU DUTTA MAZUMDAR:** Sir, the Hon'ble Minister has answered that from such journals as the *Indian Finance* and *Capital* we will find that certain things had happened. My question is, will the Hon'ble Minister be pleased to state the dates of the issues of these journals in which he found that there was no case of a dividend as high as 30 per cent. during the period in question?

**Mr. SPEAKER:** If you will only turn over the pages of these two journals, you will find the figures.

**Mr. NIHARENDU DUTTA MAZUMDAR:** Sir, the Hon'ble Minister has referred to certain documents and the House is entitled to know what specific documents he means.

**Mr. SPEAKER:** Something must be left to the members also to find out. (Laughter.)

**High price for jute.**

*60. **Maulvi MUHAMMAD ISRAIL:** Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state what steps Government contemplate to take to ensure a sufficiently high price for jute next year in view of the regulation this year?

**The Hon'ble Mr. TAMIZUDDIN KHAN:** The regulation of the crop to be sown in 1941 is in itself the principal step that Government are taking to maintain the price of jute at a fair level. What other steps may be necessary or desirable will depend almost entirely on the course of events during the next 6 months or so which cannot now be foreseen. Government will take appropriate action as and when required.

**Mr. SURENDRA NATH BISWAS:** Will the Hon'ble Minister be pleased to state whether, in view of the heavy surplus of jute which has to be carried over beyond the consumption of this year, Government have considered that although mere regulation of crop may raise the price, something else has got to be done——

**Mr. SPEAKER:** That is not a question but an argument.

**Mr. SASANKA SEKHAR SANYAL:** Will the Hon'ble Minister be pleased to state whether in order to have better price for jute anything else has been done by Government than mere regulation of jute crop?

**The Hon'ble Mr. TAMIZUDDIN KHAN:** I think, Sir, whatever Government has done is well known to the general public.

**Mr. SASANKA SEKHAR SANYAL:** May we know what is that?

(No answer.)

**Mr. CHARU CHANDRA ROY:** Will the Hon'ble Minister be pleased to state whether Government are going to accept the recommendations of the Bengal Jute Enquiry Committee after they have done with the regulation scheme?

**The Hon'ble Mr. TAMIZUDDIN KHAN:** Sir, that is an omnibus question. The Bengal Jute Enquiry Committee has made various recommendations, and those recommendations cannot all be accepted. But those recommendations have been examined, and, where acceptable, have been accepted.

**Mr. SASANKA SEKHAR SANYAL:** Sir, with regard to the Hon'ble Minister's answer that what Government have done is known to the public, we want to know what is that action which the Government have taken; but the Government have simply been evading the question.

### Allegation against District Board of Barisal.

*81. **Maulvi ABU HOSSAIN SARKAR:** Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*a*) whether it is a fact that allegation of mal-administration and favouritism are being made by the local people for the last two years against the District Board of Barisal, to the District Magistrate and other authorities;

(*b*) whether any enquiry was made about those allegations;

(*c*) if so, whether any one of those allegations was found true; and

(*d*) what steps, if any, have been taken in the matter?

**The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:** (*a*) Certain allegations of the nature mentioned by the honourable member are reported to have been made to the District Magistrate.

(*b*) and (*c*) The District Magistrate has held enquiries into these allegations excepting one the subject-matter of which is still under the consideration of the District Board, and he has come to the conclusion that the allegations are without substance and do not call for any action.

(*d*) The question does not arise.

**Maulvi ABU HOSSAIN SARKAR:** With reference to answer (*b*) and (*c*), will the Hon'ble Minister be pleased to state what is the subject-matter which is still under consideration?

**The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:** I mean, certain applications were made and No. (4) is the subject-matter.

**Maulvi ABU HOSSAIN SARKAR:** What is the matter under consideration still now? I do not want the number of the subject-matter.

**The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:** It was alleged that a certain gentleman by the name of Nazim Ali had secured the post of Secretary of the District Board because he acted as election agent of the Chairman of the District Board.

## Compulsory regulation of jute in neighbouring jute-growing provinces and States.

*82. **Maulvi MUHAMMAD ISRAIL:** (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state what steps are proposed to be taken by the Government to make regulation of jute compulsory in the neighbouring jute-growing provinces and States in the next year?

(*b*) What action, if any, Government contemplate taking to prevent unusual import of jute from Assam next year to check slump in the jute price in Bengal?

**The Hon'ble Mr. TAMIZUDDIN KHAN:** (*a*) It is not within the power of this Government to make regulation of jute compulsory in any province other than Bengal. But as an integral part of the Jute Policy of this Government every effort is being made to persuade other jute-growing provinces to effect restriction or prevent over-production in accordance with the circumstances prevailing in those provinces.

(*b*) No unusual import of jute from Assam is apprehended next year but, in any event, this Government have no powers to prohibit the import of jute into Bengal from any other province.

**Mr. SYED JALALUDDIN HASHEMY:** Will the Hon'ble Minister be pleased to state whether the Government of Bengal did make any attempt or send any representation to the Government of India for introducing a system of compulsory regulation of jute crops in provinces other than Bengal?

**Mr. SPEAKER:** But jute regulation in the other provinces is a matter wholly beyond the jurisdiction of the Government of Bengal.

**Mr. NIHARENDU DUTTA MAZUMDAR:** Will the Hon'ble Minister be pleased to state whether in view of the fact that the Government of Bengal have no power to compel restriction of jute cultivation in other provinces, Government sought the aid of the Government of India to devise ways and means to enlist the co-operation of the other provinces to effect restriction?

**Mr. SPEAKER:** I am not disallowing your question, but do you mean that the interference of the Government of India in a matter within the jurisdiction of a Provincial Government is desirable?

**Mr. NIHARENDU DUTTA MAZUMDAR:** No, Sir. But I think I can ask whether the Government of Bengal has sought the assistance of the Government of India to secure the co-operation of the different provinces concerned with a view to devising ways and means for a uniform restriction in all the jute-growing provinces in the neighbourhood of Bengal.

**Mr. SPEAKER:** I think the proper way in which you could have asked the question would have been whether the Government of Bengal took any steps for getting the co-operation of the jute-growing provinces in the matter of jute regulation. I hope honourable members will realise that certain power has been given to the provinces in regard to their internal administration.

**Mr. NIHARENDU DUTTA MAZUMDAR:** Yes, Sir. I want to know that.

**The Hon'ble Mr. TAMIZUDDIN KHAN:** The answer is in the affirmative.

**Mr. SASANKA SEKHAR SANYAL:** In view of answer (*b*), will the Hon'ble Minister be pleased to state whether Government are considering the desirability of promulgating provincial laws by which the importing of jute into Bengal from the other provinces may be prohibited or restricted?

**The Hon'ble Mr. TAMIZUDDIN KHAN:** Sir, I do not think we have got that power.

**Mr. ISWAR DAS JALAN:** Will the Hon'ble Minister be pleased to state as to whether as a result of the representations made by the Government of Bengal to the provinces of Bihar and Assam, those Governments have taken any steps whatsoever to restrict their production?

**The Hon'ble Mr. TAMIZUDDIN KHAN:** The Governments of Bihar and Assam have given us the assurance that so far as the coming crop is concerned, they will not increase the area. This applies more to Bihar than to Assam. So far as Bihar is concerned, there is hardly any room for expansion, and the Government of Bengal more or less agree with them. But there is room for expansion in Assam, and the Assam Government are not in a position to regulate their crops as they have not yet prepared the preliminary record. Assam has agreed, however, that they will try to reduce their acreage as far as practicable by voluntary propaganda and then later on when they have prepared a record, they may regulate to the same extent as Bengal.

**Mr. CHARU CHANDRA ROY:** May I submit one thing, Sir? In the question we find "jute-growing provinces and States in the next year," but the Hon'ble Minister has not given any answer as to what Government have done in respect of the States—I mean Cooch Behar and Tippera. He has answered about provinces, but what about States?

**The Hon'ble Mr. TAMIZUDDIN KHAN:** Sir, these are very small States, and any increase of production in those small States cannot affect the entire yield of crop to any appreciable extent.

**Mr. CHARU CHANDRA ROY:** Will the Hon'ble Minister be pleased to state what percentage of jute is produced in Cooch Behar and Tippera?

**The Hon'ble Mr. TAMIZUDDIN KHAN:** Sir, I want notice, and I may refer my honourable friend to the final jute forecast.

**Mr. NIHARENDU DTTA MAZUMDAR:** Is it the position of Government that while restriction will be imposed on the cultivators in the province of Bengal, the people living in the States in Bengal will be allowed to carry on jute-sowing without any restriction?

**The Hon'ble Mr. TAMIZUDDIN KHAN:** Sir, as I have said, we have no power to effect restriction in those States, and I also think, as I have already stated, that any overproduction in those States will not affect the entire yield of the crop to any appreciable extent. Therefore there is no ground of apprehension of any possible extension of acreage in those small States.

**Mr. SARAT CHANDRA BOSE:** Will the Hon'ble Minister be pleased to state the nature of the effort that has been made up till now to persuade other jute-growing provinces to effect restriction or to prevent overproduction?

**The Hon'ble Mr. TAMIZUDDIN KHAN:** My honourable friend has asked about the nature of the effort. The nature in one word is to persuade those provinces to come in line with the Bengal Government.

**Mr. SARAT CHANDRA BOSE:** I want to know what has actually been done.

**The Hon'ble Mr. TAMIZUDDIN KHAN:** I now find from my honourable friend's interjection that he wants information as to what the Government of Bengal has actually done. The Government of Bengal has been in correspondence with the other provinces from the very beginning of the adoption of this jute regulation policy and those negotiations are still going on, and the latest reply we have received is from Assam to the effect that under certain conditions Assam is prepared to regulate the restriction of the crop to the same extent as Bengal from the next year.

## UNSTARRED QUESTIONS

### (to which answers were laid on the table)

**Election of Chandiberpur Union Board, police-station Narail (Jessore).**

**28. Mr. P. BANERJEE:** (*a*) With reference to his statement on the floor of the Assembly on the 12th August, 1940, will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state the reason for the failure of the election of members of Chandiberpur Union Board, police-station Narail, district Jessore?

(*b*) Is it a fact that the members of the said Union Board were nominated by Government?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state the reason thereof?

(*d*) Will the Hon'ble Minister be pleased to state whether it is a fact that the nominated members were candidates for election to the said Union Board?

(*e*) Will the Hon'ble Minister be pleased to state—

(*i*) what are the qualifications of the nominated members;

(*ii*) whether any enquiry was made prior to their nominations about their characters and popularity; and

(*iii*) if so, by whom was it done and when?

(*f*) Will the Hon'ble Minister be pleased to state—

(*i*) the number of candidates at that last election; and

(*ii*) their names?

**The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:** (*a*) The election failed on account of great disorder and uproar created by the voters at the polling station.

(*b*) The members were appointed by the District Magistrate.

(*c*) As the election failed through the fault of the voters themselves, the vacancies were filled by appointment by the District Magistrate under sub-section (*4*) of section 6 of the Bengal Village Self-Government Act.

(*d*) Yes, with the exception of one.

(*e*) (*i*) and (*f*) (*ii*) A statement is laid on the Library table.

(*e*) (*ii*) and (*iii*) Yes, by the Subdivisional Officer and the Circle Officer, Narail, in June, 1940.

(*f*) (*i*) Thirty-nine.

**Mr. P. BANERJEE:** With reference to answer (*c*), will the Hon'ble Minister be pleased to state why he has not taken the steps open to him in case of failure of election? There were two alternatives, namely, one by filling up vacancies by another election and the other by the appointment. Why did he not take steps to re-elect?

**The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:** Sir, I am sorry I could not follow the question.

**Mr. SPEAKER:** His question was that having the other alternative of allowing the voters an opportunity to re-elect, why did not you give this opportunity?

**The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:** Government have already instructed District Magistrates all over Bengal that in future if there is any question of this nature, then there should be an alternative election before this question of nomination is taken up.

**Mr. P. BANERJEE:** Will the Hon'ble Minister be pleased to state who created the disorder and uproar—all the voters or only some of the voters who were supporters of the losing candidates?

**The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:** I am given to understand that voters of both sides created the disorder, and it was impossible to hold the election.

**Mr. ATUL KRISHNA GHOSE:** Will the Hon'ble Minister be pleased to state what steps Government took to prevent the disorder?

**The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:** It is impossible for Government to forestall when a disorder would be created. But ordinary steps as police precautions were taken.

**Srijut MANINDRA BHUSAN SINHA:** Will the Hon'ble Minister be pleased to state whether this disorder was confined to all the elections in the wards or was it confined to any particular ward?

**The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:** As far as I understand, I do not think that the disorder was in every ward. If the honourable member puts a fresh question, I can say definitely. I cannot say offhand.

**Mr. ATUL KRISHNA GHOSE:** Will the Hon'ble Minister be pleased to state in which particular ward this disorder took place and how many voters assembled there?

**The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:** It is impossible to answer that question offhand. I want notice.

**Mr. ATUL KRISHNA GHOSE:** Will the Hon'ble Minister be pleased to enquire whether the failure of the election was a concocted one at the instance of interested candidates?

**Mr. SPEAKER:** That question does not arise.

**Mr. ATUL CHANDRA SEN:** Will the Hon'ble Minister be pleased to state what is the nature of the disorder that took place in the meeting?

**The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:** There was fighting, assault and all that.

**Mr. ATUL CHANDRA SEN:** What sort of fighting?

**The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:** I cannot say that. I was not present there. (Laughter.)

**Mr. SASANKA SEKHAR SANYAL:** In view of the rules of the Bengal Self-Government Act, probably rule 28, will the Hon'ble Minister be pleased to state whether when one election fails it is not obligatory to have another election whatever may be the reason?

**Mr. SPEAKER:** That is a question of legal opinion.

### Charge for electric fans in Medical College Hospital.

**27. Mr. ATUL KRISHNA GHOSE:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state what is the charge of a fan used by patient in a cabin in the Calcutta Medical College Hospital after the 11th November?

(*b*) What steps do the Government contemplate taking for the reduction of the charge of fans at present existing in the said Hospital after the 11th November?

**The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:** (*a*) Where one fan is allotted to two cabins, the rate is annas 8 per day for each patient; and where one fan is attached to each cabin, the rate is Re.1 per day.

These rates are charged so long as the fans are in use. There is no separate rate fixed for use of fan after the 11th November.

(*b*) Government do not contemplate reduction of the existing rate.

**Mr. ATUL KRISHNA GHOSE:** Will the Hon'ble Minister be pleased to state what is the cost per fan in the Medical College Hospital?

**The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:** I want notice. If my honourable friend puts a fresh question, I can say what the charge is.

**Mr. ATUL KRISHNA GHOSE:** Is the Hon'ble Minister aware that Rs. 30 charged for one fan is abnormally high?

**The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:** It seems that the honourable member already knows the answer.

**Mr. ATUL KRISHNA GHOSE:** Is the Hon'ble Minister aware of the fact that the utmost cost for the working of a fan for one whole day cannot exceed Rs. 15?

**Mr. SPEAKER:** You are not including other expenses.

**Mr. ATUL KRISHNA GHOSE:** I include every recurring expenditure. Will the Hon'ble Minister be pleased to state how much profit the Medical College Hospitals are earning out of each fan?

**The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:** I do not think there is any profit at all. If the honourable member puts a fresh question, I can give him the answer.

**Mr. ATUL KRISHNA GHOSE:** Will the Hon'ble Minister be pleased to ascertain what is the real cost per fan, and take steps so that the authorities may not make such an abnormal profit?

**The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:** I have already said that if the honourable member puts a fresh question, I shall be able to reply to his question.

### Cabins in the Calcutta Medical College Hospital.

**28. Mr. ATUL KRISHNA GHOSE:** (*a*) Will the Honble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*i*) the number of patients who applied for admission into a cabin in the Calcutta Medical College Hospital in the year 1938-39; and

(*ii*) whether all of them received it?

(*b*) If the answer to (*a*) (*ii*) is in the negative, will the Hon'ble Minister be pleased to state whether he is considering the desirability of increasing the number of cabins?

(*c*) Will the Hon'ble Minister be pleased to state what is the present arrangement for receiving deposit for the reserved cabin?

**The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:** (*a*) No record is kept from which the number of patients seeking admission into cabins or turrets in the Calcutta Medical College Hospitals can be ascertained. The cabins were not fully occupied during the year.

(*b*) Does not arise.

(*c*) There is no rule for reservation of cabins. A patient admitted into a cabin when it is available has to deposit rent for 10 days in advance at the time of admission.

## STARRED QUESTIONS

### (to which oral answers were given)

### Communication between headquarters of Noakhali and certain islands in Noakhali district.

*46. **Mr. SYED ABDUL MAJID:** (*a*) Is the Hon'ble Minister in charge of the Commerce and Labour Department aware—

(*i*) that there are great difficulties of communication between the islands of Sandvip, Hatiya and Ramgati with the headquarters station of Noakhali;

(*ii*) that the present Steamer Service maintained by the Fern Navigation Company, Limited, between the islands of Sandvip and Hatiya and the headquarters station is extremely irregular and unsatisfactory; and

(*iii*) that representation has been made to the Government for establishment of regular steamer communication between the islands and the headquarters station?

(*b*) If the answers to (*a*) are in the affirmative, will the Hon'ble Minister please state what steps, if any, Government have taken in this respect?

**MINISTER in charge of the COMMERCE and LABOUR DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy):** (*a*) Yes.

(*b*) The matter is under the consideration of Government.

**Mr. SYED JALALUDDIN HASHEMY:** Will the Hon'ble Minister be pleased to state how long the matter is under the consideration of Government and how long will it take to make their decision?

**The Hon'ble Mr. H. S. SUHRAWARDY:** The decision does not rest with Government. Government has tried its level best to induce the various interests to come to some sort of arrangement and they have not yet succeeded. It is hoped that a decision will be arrived at shortly.

**Kalukhali-Bhatiapara Branch of the Eastern Bengal Railway.**

*47. **Mr. SURENDRANATH BISWAS:** (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state—

(*i*) whether it is a fact that the Government of India had first issued orders for closing the Kalukhali-Bhatiapara Branch of the Eastern Bengal Railway to meet the war needs and subsequently suspended the said orders; and

(*ii*) whether he is aware that owing to the silting up of the Lower Kumar and Naria rivers in the district of Faridpur the retention and extension of the said Branch of the Railway has become an urgent necessity in public interest?

(*b*) Have the Provincial Government drawn the attention of the Government of India to the abovementioned circumstances and urged upon them to drop the idea of closing the said Branch of the Railway?

**MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar):** Yes.

**Mr. SURENDRA NATH BISWAS:** Will the Hon'ble Minister be pleased to state if he is aware that there is every likelihood of a serious breach of the peace if the railway lines of the Kalukhali-Bhatiapara Branch are removed?

**Mr. SPEAKER:** Who is leading it? (Laughter.)

**The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar:** Yes.

**Mr. SURENDRA NATH BISWAS:** It is a very important question, and I have not heard the Hon'ble Minister's answer.

**Mr. SPEAKER:** He has already answered.

**Mr. SURENDRA NATH BISWAS:** What is his answer?

**Mr. SPEAKER:** He has answered "Yes".

**Mr. SURENDRA NATH BISWAS:** Will the Hon'ble Minister be pleased to state whether the Government of Bengal are in communication with the Government of India regarding the final decision of the latter with regard to the removal of this line and, if so, what is the nature of that communication?

**The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar:** The Government of Bengal have expressed their disapproval to the removal of the railway line to the Government of India.

### Grants to educational institutions in Khulna district.

*48. **Mr. PATIRAM ROY:** Will the Hon'ble Minister in charge of the Education Department be pleased to lay on the table a statement showing for the district of Khulna for the last three years—

(*i*) the name and number of high English and middle English schools showing the special grant from Government, if any, received by them;

(*ii*) the number of such schools that are managed by the members of the—

(1) Scheduled Castes,

(2) Caste-Hindus, and

(3) the Muslims

by a majority in the Committee; and

(*iii*) the amount of grant-in-aid received by each of these schools from the—

(1) Government, and

(2) District Board?

**MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq):** Two statements furnishing the information are laid on the Library table.

**Mr. ATUL KRISHNA GHOSE:** Will the Hon'ble Minister be pleased to state whether it is a fact that all high schools managed by the Muhammadan Committees without any exception whatsoever get grants-in-aid from the Government?

**Mr. SPEAKER:** That question does not arise.

**Mr. ATUL KRISHNA GHOSE:** There are statements laid on the Library table——

**Mr. SPEAKER:** Mr. Ghose, this is a question asking for a statement only and you cannot put any supplementary question. I definitely ruled last year that when a statement was asked for, no supplementary question regarding Government policy could be put. If such a question regarding policy has to be asked, a fresh question has to be put separately.

**Mr. ATUL KRISHNA GHOSE:** Even if anything is written on the statements——

**Mr. SPEAKER:** You cannot put a supplementary question. You have to put a fresh question.

**Mr. ATUL KRISHNA GHOSE:** Sir, let me put my question in this way. Will the Hon'ble Minister be pleased to state that distinctions are being made between Muhammadans and——

**Mr. SPEAKER:** I am afraid I cannot allow that question. I quite appreciate that you want to get out certain facts. You know that when a mere statement is asked for and nothing raised about the policy or otherwise, I have admitted those questions not as supplementary questions but as arising out of the original question, even though sometimes the number has gone in excess. You remember that last year several questions were put by Scheduled Caste members asking for statements and they afterwards wanted certain other facts. I ruled that they must be put as fresh questions and not as supplementaries.

**Rai HARENDRA NATH CHAUDHURI:** Sir, in reply to one of my questions, certain figures have been given, but the figure in respect of one district has not been given. Will you allow me to put a supplementary question?

**Mr. SPEAKER:** Yes, if anything arises out of that.

**The Hon'ble Mr. A. K. FAZLUL Huq:** Sir, may I answer the question of Mr. Atul Krishna Ghose?

**Mr. SPEAKER:** I have disallowed that question and you cannot answer that.

**The Hon'ble Mr. A. K. FAZLUL HUQ:** I have got a complete answer to that here.

**Mr. SPEAKER:** If you like, you may reply to it during the budget debate.

## Primary Education and imposition of education cess in the district of 24-Parganas.

***49. Mr. ISWAR CHANDRA MAL:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state when the cess under the Primary Education Act was enforced in the district of 24-Parganas?

(*b*) Will the Hon'ble Minister be pleased to lay on the table a statement showing, thana by thana, the number of primary schools (lower primary and upper primary) for—

(1) boys, and

(2) girls,

that existed in the district just before the introduction of the Primary Education Act in the district?

(*c*) Will the Hon'ble Minister be pleased to state—

(*i*) whether there was any scheme of the department for—

(1) starting of new primary schools, and

(2) maintaining existing primary schools before the introduction of the said Act;

(*ii*) the number of schools that have been started in the district, thana by thana, since the introduction of the said Act;

(*iii*) the number of existing primary schools that are being maintained by the department since the introduction of the Act;

(*iv*) the total amount of cess realised in the district, thana by thana, since the introduction of the Act up to June of 1940;

(*v*) the amount that has been spent out of the cess for the maintenance of these schools;

(*vi*) the number of—

(1) boys, and

(2) girls,

who are receiving education in these schools;

(*vii*) the number of teachers employed in those schools and their total monthly salary; and

(*viii*) the total contribution made by the Government towards the maintenance of those schools from the introduction of the Act up to June, 1940?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** (*a*) 18th October, 1939.

(*b*) A statement is laid on the table.

(*c*) (*i*) No.

(*ii*) Nil.

(*iii*) 103 maintained by the District School Board.

(*iv*) Rs.1,54,377-11-7. (Figures, thana by thana, are not available.)

(*v*) Rs.15,176 spent from District Primary Education Fund to which cess and Government grant are credited.

(*vi*) (1) Boys 7,011 and (2) girls 252.

(*vii*) Teachers 228 and salaries Rs. 2,168.

(*viii*) Government contributions are made to the District Primary Education Fund annually. The total contribution for part of the year 1939-40 and for 1940-41 amounted to Rs.1,31,768.

*Statement referred to in the reply to clause (b) of starred question No. 49, showing the number of Primary Schools, thana by thana (Rural areas), immediately before the introduction of Primary Education Act, 1930, in the District of 24-Parganas.*

| Circle. | Thanas. | Schools. | | | | |
|---|---|---|---|---|---|---|
| | | Upper Primary. | | Lower Primary. | | Total. |
| | | Boys. | Girls. | Boys. | Girls. | |
| 1. Alipore I .. | Budge Budge | 27 | 1 | 43 | 15 | 86 |
| | Behala .. | 2 | .. | .. | .. | 2* |
| | Metiabruj .. | .. | .. | 4 | .. | 4* |
| 2. Alipore II .. | Bishnupur .. | 30 | .. | 58 | 21 | 109 |
| | Tollygunge .. | 4 | .. | 5 | 2 | 11 |
| | Maheshtala .. | 2 | .. | 30 | 4 | 36 |
| | Sonarpur .. | 5 | 1 | 18 | 2 | 26 |
| 3. Baruipore .. | Baruipore .. | 32 | 3 | 55 | 10 | 100 |
| | Canning .. | 37 | 1 | 44 | 4 | 86 |
| 4. Diamond Harbour. | Diamond Harbour. | 24 | .. | 82 | 13 | 119 |
| | Falta . | 24 | .. | 55 | 8 | 87 |
| 5. Kulpi .. .. | Kulpi .. | 35 | .. | 147 | 33 | 215 |
| | Kakdwip .. | 17 | .. | 23 | 4 | 44 |
| | Sagore .. | 11 | .. | 21 | 2 | 34 |
| 6. Barrackpore .. | Khardah .. | 2 | .. | 1 | .. | 3 |
| | Bijpur .. | 1 | .. | .. | .. | 1 |
| | Dum Dum .. | 1 | .. | 2 | .. | 3 |
| | Naihati .. | 1 | .. | 2 | .. | 3 |
| | Jagatdal .. | .. | .. | 6 | .. | 6 |
| | Titagharh .. | .. | .. | 1 | .. | 1 |
| 7. Baraset .. | Baraset .. | 6 | .. | 38 | 5 | 49 |
| | Amdanga .. | 3 | .. | 4 | 1 | 8 |
| | Rajarhat .. | 8 | 1 | 6 | 3 | 18 |
| | Habra .. | 5 | .. | 39 | 7 | 51 |
| | Bhangore .. | 18 | 1 | 46 | 10 | 75 |
| 8. Joynagore .. | Joynagore .. | 35 | .. | 109 | 24 | 159 |
| 9. Mathurapur .. | Mathurapur .. | 50 | 1 | 109 | 36 | 196 |
| 10. Bashirhat .. | Bashirhat .. | 22 | .. | 86 | 13 | 121 |
| | Baduria .. | 10 | .. | 51 | 9 | 70 |
| | Swarupnagar .. | 16 | .. | 22 | 7 | 45 |
| 11. South Bashirhat | Hasnabad .. | 13 | .. | 39 | 9 | 70 |
| | Sandeshkhali .. | 6 | .. | 5 | 1 | 12 |
| | Haroa .. | 8 | .. | 42 | 5 | 55 |
| | Deyganga .. | 5 | .. | 39 | 6 | 50 |
| 12. Mograhat .. | Mograhat .. | 65 | 3 | 140 | 20 | 228 |
| | | 525 | 12 | 1,363 | 274 | 2,174 |

*In rural area.

**Dacca Mail disaster.**

*58. **Mr. ATUL CHANDRA SEN:** (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state whether the Government have received the report of the investigations made by the Senior Government Inspector of Railways into the cause or causes of the disaster into which the Down Dacca Mail was involved on the 5th August last?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether he is considering the desirability of asking the Government of India to start an independent enquiry into the cause or causes of the accident in a manner that will ensure greater confidence of the public than an enquiry made by a Governmental agency as promised in the reply to the starred question No. 145 in the July-September session of the Assembly, 1940?

**The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar:** (*a*) Yes.

(*b*) I am satisfied with the findings of the Senior Government Inspector of Railways that the accident was due to sabotage, and I do not think that any useful purpose would be served by appointing an independent Committee of Enquiry to make further investigation into the matter.

**Mr. ATUL CHANDRA SEN:** The Hon'ble Minister says that he is personally satisfied with the findings of the Senior Government Inspector of Railways that the accident was due to sabotage. But will he yet consider the desirability of an independent enquiry in order to ensure better confidence in the minds of the people than has been done by an enquiry conducted by a Government agency?

**The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar:** I am afraid I am not in agreement with the honourable member that after the very detailed enquiry which has been undertaken, any useful purpose will be served by a further enquiry.

**Mr. SYED JALALUDDIN HASHEMY:** With reference to answer (*b*), will the Hon'ble Minister be pleased to state whether in reply to the Unstarred Question No. 25 to-day he has said that soon after the accident, investigation was undertaken by the police which is still proceeding?

**The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar:** That is an enquiry to find out the culprits which may lead ultimately to a judicial enquiry.

**Mr. NISHITHA NATH KUNDU:** Will the Hon'ble Minister be pleased to state that the facts, circumstances and data on which the Senior Government Inspector's report is based——

**Mr. SPEAKER:** That question does not arise.

**Mr. NISHITHA NATH KUNDU:** The Hon'ble Minister has referred to the Senior Inspector's report. Are we not entitled to know what are the facts on which this report is based?

(No reply.)

**Mr. SASANKA SEKHAR SANYAL:** Will the Hon'ble Minister be pleased to state whether the report of the Senior Government Inspector commands greater confidence than would be commanded by an independent committee of enquiry?

**The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar:** It is a matter of opinion.

**Mr. NIHARENDU DUTTA MAZUMDAR:** Will the Hon'ble Minister be pleased to state whether he is considering the desirability of laying on the table the report of the Senior Government Inspector on the basis of which he is satisfied that it was an act of sabotage?

**The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar:** I did place it on the Library table when a similar question was answered a few days back.

**Mr. SURENDRA NATH BISWAS:** Will the Hon'ble Minister be pleased to state whether the Senior Government Inspector of Railways took the evidence of persons who were injured by that accident and who could give first-hand information?

**The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar:** Yes Sir.

**Mr. SYED JALALUDDIN HASHEMY:** Will the Hon'ble Minister be pleased to state whether it is a fact that the report of the police is definite that it is not a case of sabotage?

**The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar:** It is very definitely a case of sabotage.

**Mr. SASANKA SEKHAR SANYAL:** Will the Hon'ble Minister be pleased to state whether even after the publication of the report of the Senior Government Inspector, there has been considerable expression of opinion in the Press and also agitation in the Central Legislation by which dissatisfaction with the report of the Senior Government Inspector has been widely expressed?

**The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar:** I am afraid my honourable friend is not correct. I have full report of the discussions which they had on this subject in the Central Assembly. That was, I believe, before the report was published and not later.

**Mr. SASANKA SEKHAR SANYAL:** Will the Hon'ble Minister be pleased to state what is the real difficulty in placing the matter before an independent committee of enquiry where the report of the Senior Government Inspector and other things might be discussed and considered?

**The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar:** The reason is quite simple. The report of the Senior Government Inspector was thoroughly examined by Government, and it was confirmed to be purely a case of sabotage. Under the circumstances no useful purpose would be served by another committee of enquiry who could get no new facts other than those already been collected by the Senior Inspector.

**Embankment of Darakeswar river in Hooghly district.**

***52. Mr. TARAK NATH MUKHERJEA:** (*a*) Will the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department be pleased to state whether the left embankment of the Darakeswar river in Hooghly district has been abandoned?

(*b*) If so, will the Hon'ble Minister be pleased to state why this embankment has been abandoned?

(*c*) Is it a fact that for want of necessary repairs this embankment was breached during the floods in August, 1940, with the result that a large area was inundated and its crops were damaged?

**The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar:** (*a*) Yes.

(*b*) Owing to their evil effects on river conservancy, public health and productivity of soil it is the policy of Government not to encourage construction of any new embankments and as far as it is possible to do so without materially affecting vested interest to abandon old ones

gradually. The Darakeswar left embankment was abandoned in accordance with this policy, and in compliance with the recommendation of the Hooghly District Embankment Committee.

(c) The embankment was abandoned in 1930; so the question of repairing it does not arise. I am, however, informed that since its abandonment the local people have been maintaining the embankment. If they had not done so the water would have gradually spread over the fields and there would have been no great damage to the crops by a sudden rush of water through the breach in the embankment.

### Contour Survey in North Bengal.

*53. **Mr. NISHITHA NATH KUNDU:** Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state—

(a) in which of the districts in the North Bengal works of Contour Survey have been taken up this year;

(b) what works of Contour Survey, if any, have so far been done in those districts; and

(c) how much of the budgeted amount has so far been spent in each of the districts where contour survey has been taken up?

**The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar:** (a) and (b) Field work over a small area of 150 square miles in the Jalpaiguri district was taken up in May last and continued until the advent of the rainy season.

(c) Of Rs.4,937 spent so far, the major portion was for the above-mentioned field work.

**Mr. NISHITHA NATH KUNDU:** Will the Hon'ble Minister be pleased to state what is the total budgeted amount so far as the contour survey is concerned?

**The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar:** Speaking from memory, it is about three lakhs of rupees.

**Mr. NISHITHA NATH KUNDU:** Will the Hon'ble Minister be pleased to state what time Government will take to spend the amount if they spend at the rate they are spending now?

**The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar:** I would refer the honourable member to the figure in this year's budget. I think it is about Rs. 25,000 which we want to spend, and I may tell him that in all this contour survey the preliminary arrangement always takes some time and after that is done, we can make some progress.

### Elections to the Dacca University Court.

***54. Mr. SYED JALALUDDIN HASHEMY:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*i*) when the annual election to the Dacca University Court usually takes place; and

(*ii*) whether the election has taken place this year at the usual time?

(*b*) If the elections have not yet taken place, have the Government any information as to the reasons thereof?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** (*a*) (*i*) The election is not held annually. Under the terms of section 1, Chapter II of the University Ordinances and Regulations, election of the members of the Court by the registered graduates is held on such date or dates after the 31st August in the academic year in which the election is held, as may be fixed by the Vice-Chancellor, and under the terms of section 1, Chapter III of the University Ordinances and Regulations, there shall be held, on the dates to be appointed by the Vice-Chancellor, elections to fill vacancies among the members of the Court elected by the teachers of the University.

(*ii*) Election of Court members by the registered graduates is likely to be held in February, 1941; election of five lecturers as members of the Court by the teachers of the University was held in August last.

(*b*) The question does not arise.

### Postponement of realisation of education cess in Murshidabad.

***55. Mr. SASANKA SEKHAR SANYAL:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*i*) whether the attention of the Government has been drawn to the existence of acute distress in Murshidabad, owing to failure of crops during the current Bengali year;

(*ii*) whether the realisation of the newly imposed education cess at this time will operate as an unbearable hardship to the people in general of the district; and

(*iii*) whether the District Board of Murshidabad has unanimously adopted a resolution, requesting the Government to stay realisation of education cess for the time being?

(*b*) If the answer to (*a*) (*iii*) is in the affirmative, will the Hon'ble Minister be pleased to state what action, if any, has been taken in the matter?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** (*a*) (*i*) I am aware that there is some distress in some parts of the district.

(*ii*) No.

(*iii*) The resolution was carried by 9 votes to 5.

(*b*) The District Board have been informed that Government see no reason to suspend education cess.

**Mr. SASANKA SEKHAR SANYAL:** Will the Hon'ble Minister be pleased to state whether of the five members referred to in answer (*iii*) four were nominated members of whom three were *ex-officio* Government officers?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** They were members of the Board.

**Mr. SASANKA SEKHAR SANYAL:** Sir, I asked whether four of them were nominated?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** There is no distinction between a nominated member and an elected member.

**Mr. SASANKA SEKHAR SANYAL:** My question is whether of the five members referred to in answer (*iii*) four are nominated members of whom three are *ex-officio* Government servants?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** If the honourable member himself knows what is in it, it is no use again putting that question to me.

**Mr. SASANKA SEKHAR SANYAL:** Is it or is it not a fact that of the five votes referred to, four are the votes of nominated members of whom three are Subdivisional Officers?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** If the honourable member knows already, what is the good of asking that question?

**Mr. SASANKA SEKHAR SANYAL:** Mr. Speaker, Sir, may I ask for a direct reply to my question?

**Mr. SPEAKER:** I think, Mr. Sanyal, the very framing of your question is bad.

**Mr. SASANKA SEKHAR SANYAL:** Mr. Speaker, Sir, if the framing of my question is bad, I hope you will correct it when it is put, but please do not leave it to the Minister when he is answering in that way.

**Construction of sluice gate for Dhopada khal in Jessore.**

*58. **Mr. ATUL KRISHNA GHOSE:** (*a*) Is the Hon'ble Minister in charge of the Communications and Works Department aware that the Dhopada *khal* in police-station Lohagara in the district of Jessore is an important *khal*?

(*b*) If so, is the Hon'ble Minister considering the desirability of constructing a sluice gate in the said *khal*?

**The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar:** I am advised by my principal technical adviser that the construction of a regulator is undesirable as apart from the question of heavy cost it will prevent the early reclamation of the *bil* area served by this *khal* and cut off certain spill area to the detriment of the Nabaganga river.

**Mr. ATUL KRISHNA GHOSE:** Will the Hon'ble Minister be pleased to consider the desirability of seeking the opinion of the Subdivisional Officer of Narail and the District Magistrate of Jessore whom a large number of people approached?

**The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar:** I know there are several places in that district which are low and have not a better draining system, and it is with the object of framing some schemes to remove these difficulties that we have undertaken contour survey. So I stated that sluice is not a solution of the problem, but something else.

**Mr. ATUL KRISHNA GHOSE:** Sir, my question has not been answered. My question was, whether the Hon'ble Minister will be pleased to consider the desirability of seeking the opinion of the Subdivisional Officer of Narail and the District Magistrate of Jessore, who being local people are acquainted with local conditions?

**The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar:** They might be local people, but they are not technical experts.

## UNSTARRED QUESTIONS

**(to which answers were laid on the table)**

### Special Officer's report regarding pay and prospects of inferior employees.

**24. Maulvi ABDUL WAHED:** With reference to the reply given to starred question No. 41 on the 19th July, 1940, will the Hon'ble Minister in charge of the Finance Department be pleased to state:—

(*i*) when the report is likely to be submited by the Special Officer; and

(*ii*) whether the Government contemplate circulating to the members of this House the Special Officer's report?

**The Hon'ble Mr. H. S. SUHRAWARDY:** The honourable member is referred to the reply given to unstarred question No. 9 of the 3rd February, 1941.

### Dacca Mail disaster.

**25. Dr. NALINAKSHA SANYAL:** (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state whether any attempts were made by the Government of Bengal to ascertain the causes that led to the Dacca Mail disaster on the 5th August, 1940, near Jayrampur on the Eastern Bengal Railway?

(*b*) Have the Government taken any steps to examine the reports of the Railway officials and of the Senior Government Inspector of Railways?

(*c*) Did the Government make any attempt to have a Judicial enquiry instituted in connection with the accident?

(*d*) If so, with what result?

(*e*) What steps have been or are being taken by the Government of Bengal to secure to the unfortunate victims of the disaster or to the families of those who died as a consequence adequate compensation?

**The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar:** (*a*) Soon after the accident investigation was undertaken by the Police, which is still proceeding.

(*b*) Yes.

(*c*) No, except in so far as the pending Police enquiry may lead to a Judicial enquiry in the ordinary course of such investigation.

(*d*) Does not arise.

(*e*) The honourable member may refer to the reply given by me to clauses (*c*) and (*d*) of the unstarred question No. 28 asked by Dr. Suresh Chandra Banerjee in the Assembly on the 3rd December, 1940.

**Mr. ATUL CHANDRA SEN:** With reference to answer (*a*), will the Hon'ble Minister be pleased to state whether the police enquiry includes the possible hypothesis that the disaster may have been due to something for which the Railway Company may be held responsible?

**The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar:** There is no hypothesis in this case. The simple procedure that is generally followed in all cases of accidents was followed in this case too.

**Mr. ATUL CHANDRA SEN:** From answer (*c*) do I understand the Hon'ble Minister to say that he would await the result of the police enquiry before deciding whether he would have a judicial enquiry instituted?

**The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar:** No, Sir. I have stated in reply (*c*) that if by the police enquiry the trace of the culprits cannot be made, then the judicial enquiry will follow.

## Adjournment motion.

**Mr. SYED JALALUDDIN HASHEMY:** Sir, I beg leave to move that the business of the Assembly do now stand adjourned to discuss a definite matter of urgent public importance and of recent occurrence, namely, the situation that has arisen in the city owing to indiscriminate arrest of and ruthless *lathi* charges by the police on the Muslim public, including some ladies, yesterday in the forenoon and afternoon and consequent casualties and tear gas bombing by the police to disperse the mob in a manner which was absolutely unwarranted or unjustified.

Sir, I have received your consent with regard to this motion, and——

**Mr. SPEAKER:** Mr. Hashemy, if you do not mind, I think the best way in which you can have your purpose served would be by means of a short-notice question and not by an adjournment motion as you propose.

**Mr. SYED JALALUDDIN HASHEMY:** May I submit, Sir, that we expected a statement from the Hon'ble Minister in charge this morning. In the absence of any such statement from the Hon'ble the Home Minister, we have no other alternative but to bring in an adjournment motion——

**Mr. SPEAKER:** In that case I shall have to proceed on the basis of the term of your motion.

**Mr. SYED JALALUDDIN HASHEMY:** I will prove, Sir, that my motion is perfectly in order.

**Mr. SPEAKER:** But is that all?

**Mr. SYED JALALUDDIN HASHEMY:** Let me read out the statement first, Sir.

**Mr. SPEAKER:** No; I have only to decide whether the motion is in order or not.

**Mr. SASANKA SEKHAR SANYAL:** But there is the general question of principle. You have just said that——

**Mr. SPEAKER:** I have given certain views, but I am prepared to give in if the House accepts it unanimously.

**Mr. SASANKA SEKHAR SANYAL:** I suggest that putting questions for eliciting certain information is one of the methods by which a definite matter may be cleared up, but here my learned friend has made out a clear case of a definite matter, namely, the conduct of the police in certain matters——

**Mr. SPEAKER:** The only thing with which I am concerned is whether the motion is in order. I am deciding for the time being that while a motion of the type in which a specific issue has been raised could have been in order, the language in which it has been framed makes it wholly out of order. I have sufficiently declared that anything in the nature of saying "a situation" is not definite because "situation" is a thing which cannot be proved by specific facts. That is my decision. I am therefore very sorry to hold that this motion is out of order.

(At this stage the House was adjonrned for 20 minutes.)

*(After adjournment.)*

**Mr. M. SHAMSUDDIN AHMED:** Mr. Speaker, Sir, may I draw your attention to this point? You have ruled out the adjournment motion——

**Mr. SPEAKER:** Yes, as framed.

**Mr. M. SHAMSUDDIN AHMED:** May I point out to you that the matter is very important. I have been myself out in the city this morning because I was not in Calcutta. Now, the question is that you have rejected the motion on technical ground. Would you permit us to table it in another form?

**Mr. SPEAKER:** As I was saying, the best thing for you would be to table a short-notice question and get certain answers from Government. Under the Adjournment Motion Rule, the Speaker must be in possession of official facts in some way or other. If Government does not come out, then it will be for you to take the facts as they are, and I will take the facts as they are, so long the actual framing of the motion, as I have said, does not describe it as "a situation." "A situation" is a vague term. Definite acts, or "arrest of somebody" or things like that, are definite and specific issues, but the situation arising out of that is vague.

**Mr. M. SHAMSUDDIN AHMED:** If that is put all right, then I do not think it can be ruled out of order. Then we will put in another motion.

**Mr. SPEAKER:** I will consider that. But, as I have said, for the time being I must get official facts.

**Mr. M. SHAMSUDDIN AHMED:** Sir, may I tell you one word? The situation is very serious and we expected the Hon'ble Home Minister——

**Mr. SPEAKER:** He is ill.

**Mr. M. SHAMSUDDIN AHMED:** He may be ill. But the Chief Minister was here. He is not ill. He is the father and mother of the Bengal Government. He may have said something on the situation. My difficulty is that I had been out; I have not seen anything and have not heard anything. That is the reason why we are all anxious to know something about the situation.

**Mr. SPEAKER:** I cannot help. In any case I will have to give the Government an opportunity to make a statement.

**Mr. SASANKA SEKHAR SANYAL:** In the meantime if the motion comes in proper form, will you waive the urgency?

**Mr. SPEAKER:** As I have said, after my disallowance of the adjournment motion, the only remedy is to table a short-notice question.

**Mr. NIHARENDU DUTTA MAZUMDAR:** Sir, will you waive the urgency if this motion be brought to-morrow morning?

**Mr. SPEAKER:** As I said, not until I know the facts.

**Mr. NIHARENDU DUTTA MAZUMDAR:** Do we understand, Sir, that no further adjournment motion will be allowed to come up on this subject?

**Mr. SPEAKER:** Not until you put a short-notice question and know the facts.

**Mr. M. SHAMSUDDIN AHMED:** No, no. I was talking about the adjournment motion and not about a short-notice question. You rejected the adjournment motion on technical grounds and you said in the beginning you were proceeding legally.

**Mr. SPEAKER:** I have to.

**Mr. M. SHAMSUDDIN AHMED:** You have proceeded legally and you have issued your fiat accordingly.

**Mr. SPEAKER:** As a matter of fact, in view of my disallowance of the adjournment motion, the only alternative is for me to reopen by a short-notice question and to get new facts through the official channel which the House has not got.

**Mr. M. SHAMSUDDIN AHMED:** How can you get it through the official channel which is now blocked?

**Mr. SPEAKER:** By putting a short-notice question.

**Mr. NIHARENDU DUTTA MAZUMDAR:** Mr. Speaker, Sir, will you be kind enough to tell us whether you have ruled that this matter which was sought to be raised before this House does not give

rise to an adjournment motion or you have rejected the motion as framed? If the latter is your intention, then here and now I give a notice of adjournment motion on the matter not in the words in which you have rejected it.

**Mr. SPEAKER:** I am sorry; I am prepared to discuss the matter in my chamber, but not here.

**Mr. NIHARENDU DUTTA MAZUMDAR:** In view of the fact that although this matter was considered by you as an important and urgent matter, the motion as framed was ruled out of order by you; Mr. Shamsuddin assumed that you will be pleased to entertain a similar motion in different words.

**Mr. SPEAKER:** Provided I am given an opportunity to know facts. The only way I can get an opportunity is by a short-notice question on which some answer can be had.

**Mr. NIHARENDU DUTTA MAZUMDAR:** We may have to do that after the adjournment motion question has been disposed of.

**Mr. SPEAKER:** I will explain to you if you come to my chamber. As I have said, the only way I can reopen it is as a result of a reply to a short-notice question or non-reply.

**Mr. M. SHAMSUDDIN AHMED:** There is one difficulty, Sir. You are speaking of a short-notice question. You may say that the consent of the Minister or some other official is necessary.

**Mr. SPEAKER:** I have already said that if a reply is not given, the non-reply itself is a ground for me. But until that is known, I cannot do anything.

**Maulvi ABU HOSSAIN SARKAR:** If we submit another adjournment motion according to law and that motion is served on the Hon'ble Minister, will not that serve as a short-notice question?

**Mr. SPEAKER:** I have explained sufficiently and I cannot allow any problematical discussion.

## GOVERNMENT BILL.

### Bengal Finance (Sales Tax) Bill, 1941.

**Mr. SPEAKER:** The House will now resume further discussion of the Bengal Finance (Sales Tax) Bill.

**Mr. SASANKA SEKHAR SANYAL:** Sir, so far as the amendments to this Bill are concerned, may I make a suggestion? Even to-day in the course of the recess certain fresh amendments have been circulated from the Hon'ble Minister himself. Before proceeding in a rambling way, may I make a suggestion that just as you prepare in your office a consolidated list of amendments, clause by clause, it would be better to have all the multifarious amendments consolidated, sorted, reprinted and recirculated so that we may take them up accordingly. For example, in the case of clause 1, there is one amendment No. 7 and then again there is another No. 274. So, it is very difficult——

**Mr. SPEAKER:** I quite appreciate your difficulty.

**Mr. SASANKA SEKHAR SANYAL:** Sir, our difficulty is very real. We have accommodated the Government because they wanted to modify their amendments in their party meeting. We have accommodated them in every possible way. We on the Opposition also would like to be accommodated by being given some time and the assistance of the office to understand the amendments in their proper perspective.

**Mr. SPEAKER:** That is a matter for the Hon'ble Minister.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, may I point out that the amendments which we have put in to-day, when they come to be discussed, will be found by the honourable members opposite to be purely drafting amendments. If the honourable member had only taken the trouble to insert these amendments in their proper places, he would have found that these amendments are purely formal.

With regard to the amendments in the Schedule, there is nothing new. Notices of similar amendments have been given from various sections of the House including this section. We have examined them and on that basis we have accepted certain further additions to the Schedule. These are not new, and I have not the least doubt that the honourable members opposite have considered the various amendments already.

**Rai HARENDRA NATH CHAUDHURI:** Yes, the previous amendments.

**The Hon'ble Mr. H. S. SUHRAWARDY:** If the honourable members have considered the previous amendments, they will realise that these amendments fall in line with them (Rai HARENDRA NATH CHAUDHURI: Where is the time for us to realise?) and consequently

I am not springing a surprise on the honourable members opposite or on the House. Sir, may I further point out that the question of Schedule will come up at a fairly later stage and the honourable members will have ample time to consider it when it comes up. There is no use calling "wolf" at this stage.

**Mr. SASANKA SEKHAR SANYAL:** The Hon'ble Minister himself has put in amendments to his own clause to-day and they have been circulated to us. Sir, even so, we may have to propose certain drafting amendments to his proposals. Therefore, it will ultimately effect economy of the time at our disposal if they are all classified clause by clause so that we may consider them in their proper bearings. Otherwise, there will be rambling discussion and every amendment will be talked over and ultimately it will be found that much time has been taken. In the interests of efficient passage of the Bill and in the interests of economy of time my humble suggestion to you, Sir, is that we should be given more time to consider these things. Let there be a closure of amendments and let them be classified, sorted, printed and circulated in the form of a booklet as originally it was done.

**Mr. SPEAKER:** I will try my best to get them printed, if possible, in the course of to-morrow.

**Mr. JOGESH CHANDRA GUPTA:** I think they ought to be taken up after being printed.

(The Hon'ble Mr. H. S. Suhrawardy rose to speak.)

At the present moment, I am addressing the Speaker and if the Hon'ble Finance Minister will be a little patient, he will not lose anything.

What I was going to say is that the Hon'ble Minister has submitted amendments on various clauses, and we ought to be given an opportunity to submit our amendments, if any, to Government proposals. That we have not got. Secondly, may I ask the Hon'ble Finance Minister to consider that if Government require an adjournment of the House in order to settle the matter with their supporters, should we not be given some time to settle them amongst ourselves?

**Mr. SPEAKER:** I think I shall be able to get them printed by 4 o'clock to-morrow. In the meanwhile let us proceed with the Bill and see how far we can go on.

**Mr. SASANKA SEKHAR SANYAL:** Sir, I appreciate your point and ordinarily we would have agreed to this. But the difficulty is this, that the clauses are so inter-related that it will be absolutely meaningless to apply our mind to the old amendments leaving out of account the proposed new amendments.

**Mr. SPEAKER:** If there is any objection to any amendment that has been placed before the House to-day, I will certainly keep that section open for a further discussion. In the meantime, I will get the entire list printed by to-morrow.

**Mr. SASANKA SEKHAR SANYAL:** Sir, then what will be done to-day.

**Mr. SPEAKER:** In clause 1, I do not find any amendment.

**Mr. SASANKA SEKHAR SANYAL:** In clause 1, we have our amendments.

**Mr. SPEAKER:** But they were circulated long before.

*Clause 1.*

**Srijut ASHUTOSH MULLICK:** Sir, I beg to move that in clause 1(*3*), in line 1, after the words "such date," the words "not being earlier than six months after the termination of the present European war" be inserted.

সাম্রাজ্যবাদী ইংরাজের কায়ব্যূহ মন্ত্রীমণ্ডলীর অপ্রতিহত কোয়ালিশন ব্যূহ ভেদ করিয়া কুখ্যাত এই বিল যে হেতু অব্যাহতিলাভ করিতে পারিল না, সেই হেতু আমি এই সংশোধন প্রস্তাব উপস্থিত করিতেছি। এক দিকে যখন সাম্রাজ্যবাদের মহাসঙ্কটকাল, অপর দিকে মানব সভ্যতার নব সৃষ্টি সম্ভাবনা, আদর্শে আদর্শে আঘাত—স্বার্থে স্বার্থে সংঘাত—ফলে মনুষ্যত্বের অপঘাত মৃত্যু; এবং বর্ত্তমানে লোভ ও ঈর্ষার দক্ষণ ভারতের সর্ব্বত্র সম্প্রদায়ে সম্প্রদায়ে ঘাত প্রতিঘাত, ফলে এই বিরাট বিশ্বে ভারতের স্থান কোথায়, আমরা বঙ্গবাসী তাহা উপলব্ধি করিতে অসমর্থ। পৃথিবীব্যাপী এই সমরানল নির্ব্বাপিত হোয়ে পুরাতনের ধ্বংসস্তূপে নূতনত্বের বিজয় তোরণ নির্ম্মিত না হওয়া পর্য্যন্ত কর প্রপীড়িত বাংলার জনসাধারণের উপর নূতন কোনও গুরুভার চাপাইয়া দিবার কোনও দিক থেকে না সরকার পক্ষের না জনসাধারণের কোনও মঙ্গলকর স্বার্থকতা আছে বলিয়া আমি মনে করি না। বিশ্বব্যাপী এই অন্ধ অপচয় আর বিমূঢ় বুভুক্ষার ফলে হয় সাম্রাজ্যবাদের চির বিলোপ, কিম্বা সাম্রাজ্যবাদের নব উত্থান। হয় মনুষ্যত্বের মৃত্যু নিপীড়ন, কিম্বা মুক্তির আনন্দ উল্লাস, অর্থাৎ এই দ্বিতীয় মহাযুদ্ধের ফলাফল যাহা হউক—ইংরাজের আত্মরক্ষা কিম্বা জার্ম্মাণীর অপ্রতিহত সাম্রাজ্য বিস্তার ফল যাহাই হউক না কেন, ভারতবর্ষের তথা পৃথিবীর অর্থনৈতিক, রাষ্ট্রনৈতিক ও সামাজিক পরিস্থিতির যে দ্রুত এবং আমূল পরিবর্ত্তন ঘটিবে একথা অতি সামান্যতম [illegible] জ্ঞানসম্পন্ন কোনও ব্যক্তিরই অস্বীকার করিবার উপায় নাই। সেই আমূল পরিবর্ত্তিত পরিস্থিতির মধ্যে, সেই নূতন অর্থনৈতিক ও রাষ্ট্রনৈতিক বাত্যাবর্ত্তের মধ্যে কোথায় উড়ে যাবে এই বর্ত্তমান আইন সভা, আর তার প্রবর্ত্তিত বিক্রয় কর বিল। এমতাবস্থায় এই মহাযুদ্ধ

বিরতির অন্ততঃপক্ষে ছয় মাসের মধ্যে নূতন কোন কর প্রবর্ত্তন করিয়া দরিদ্র জনসাধারণের মনে বিক্ষোভের সঞ্চার করা কোনও প্রকারে যুক্তিযুক্ত নহে। এই অর্থনৈতিক কাড়াকাড়ি আর রক্তপাতে সহানুভূতিশূন্য জনসাধারণের উপর এই কর ধার্য্য করিয়া তাহাদের অকারণ ভারগ্রস্ত ও বিক্ষুব্ধ করা রাজনৈতিক বুদ্ধিমত্তা ও দূরদর্শীতার পরিচায়ক নয় এবং একথা আজ বাঙ্গালী হোয়ে বাঙ্গালীর নিকট উপস্থাপিত করাকে আমি দুর্ভাগ্য বলিয়াই মনে করি। যদিও পরাধীনতার সর্ব্বাপেক্ষা বড় অভিশাপ এই যে দেশের লোকের সহিত সংগ্রাম ক'রতেই যায় সমস্ত শক্তি নিঃশেষিত হইয়া, আর সেই সুযোগ লইয়া বৈদেশিক শাসকশক্তি তাহার শোষণ যন্ত্রকে করে আরও নির্ম্মম ও নিষ্ঠুর। মহা কাল বৈশাখীর ধূসর মেঘে আকাশ আজ আচ্ছন্ন, ধূমায়িত—উঠিবে ঝড়, উড়াইয়া লইবে পুরাতনের পাপের জঞ্জাল। সেই নূতন পৃথিবীতে নূতন রাষ্ট্রে আর সমাজে আজিকার শাসন যন্ত্র একেবারে যাবে অচল হোয়ে। অর্থাৎ অলঙ্কার বিবর্জ্জিত ভাষায় বলা যায় যে সাম্রাজ্যবাদ হত্যা-যজ্ঞে ইংরাজ যদি সিদ্ধিলাভও করে, তাহা হইলেও বর্ত্তমান পরিস্থিতির হইবে সম্পূর্ণ পরিবর্ত্তন—Dominion Status কিংবা পাকিস্থান কিম্বা যেস্থানই হউক। আর যদি বনিয়াদী সাম্রাজ্যবাদীর শাসন শিথিল হইয়া যায় তাহা হইলেও ভারতের রাষ্ট্রনৈতিক পটভূমিকার হইবে আমূল পরিবর্ত্তন। সুতরাং এই মহাযুদ্ধের ফলাফল বিবেচনা না করিয়া স্বল্পকালের জন্য দেশের ও জাতির মহাসঙ্কটকালে বাংলার দরিদ্র জনসাধারণের উপর এই অকল্যাণকর বিক্রয় কর বিল প্রবর্ত্তন করিয়া বর্ত্তমান মন্ত্রী সভা যে শুধু দেশেরই অনিষ্ট সাধন করিবেন তাহাই নহে। অধিকন্তু তাহারা বাংলার দরিদ্র জনসাধারণের বিশ্বাস হইতে একেবারে বঞ্চিত হইবেন। পরিশেষে পরিষদের নিকট আমার ঐকান্তিক ও সনির্ব্বন্ধ অনুরোধ এই যে, জনসাধারণের কল্যাণের অজুহাতে তাঁহারা যেন জনসাধারণ এবং সঙ্গে সঙ্গে নিজেদের অকল্যাণকে এমন করিয়া আমন্ত্রণ না করেন।

**Mr. SASANKA SEKHAR SANYAL:** Sir, shall I move my amendment?

**Mr. SPEAKER:** I think, you don't move your amendment No. 8?

**Mr. SASANKA SEKHAR SANYAL:** No, Sir. I will speak on amendment No. 7.

**Mr. SPEAKER:** All right, let me first finish the others. Mr. Rai Chaudhuri, will you move your amendment No. 274?

**Rai HARENDRA NATH CHAUDHURI:** Sir, that is altogether of a different nature, having a different scope.

**Mr. SPEAKER:** It only restricts the time of the Act. One amendment concerns the beginning of the Act and the other amendment, I mean yours, the conclusion of the Act.

**Rai HARENDRA NATH CHAUDHURI:** Yes, Sir, with the termination of the Act. This will be a separate amendment. May I move it first, Sir?

**Mr. SASANKA SEKHAR SANYAL:** Sir, the character of his amendment will be affected by the question whether amendment No. 7 is accepted or not. So let us go on with amendment No. 7 now. The two things are entirely apart in principle and scope.

**Mr. SPEAKER:** One gentleman moves that the Act should begin six months after the termination of the war and another gentleman moves that it should be over within three years. But they both control its operation and therefore it is an integral part of the section dealing with operation.

**Rai HARENDRA NATH CHAUDHURI:** Sir, I beg to move that after the word "appoint" at the end of sub-clause (3) of clause 1 the following words be added, viz.—

"and shall remain in force for three years from that date."

Sir, the purpose of this amendment is to make the Act current only for three years. Sir, it is true that sales tax has been resorted to by many countries; but it is true at the same time that other countries thought of sales tax only when their public finance was thrown out of gear either by war or by unprecedented depression in world trade. Take for instance Germany. Germany resorted to sales tax in 1918, that is, in the year of the Armistice, just when they were faced with the problem of reparations. Take, again, France. France resorted to sales tax in 1920 or 1921, I believe, when her public finance, of course, was depleted in consequence of war. Take again the instance of the States of America. There they took to sales tax when the world depression started in 1929. It was between 1929 and 1933 that five States of America introduced their sales tax and all the other States introduced their sales tax in or after 1933, and the States introduced their sales tax not only as an emergency measure, but also as a temporary measure. Some of the sales taxes of the States are due to expire within a year or two. It is, therefore, Sir, on that general principle I hold that the sales tax should not be imposed if it is not required by the emergency of the situation, or if it is imposed, it should be imposed as a temporary measure only. When other countries have done so, there is no justification for Bengal to introduce the sales tax as a permanent measure even if it is justified as an emergency measure. That is my first argument.

Sir, my next argument would be that the Finance Minister in his revised estimate for the current year has shown that there is going to be a deficit of 1 crore and 7 lakhs on the revenue account. But, Sir,

our revenues are going to be hit by 45 lakhs under one head—Customs—alone. If it were not so, there would not have been such an urgent necessity of passing this Bill to balance the budget. Now, it has got to be admitted that there has been a deterioration under the head "Customs" because of the prevailing war conditions. That being so, we have got to tide over this difficulty, that is to say, the war situation, and my suggestion to the Government will be that you have your sales tax for three years and just see how your finances improve. If your finances improve after the war, there will be no further necessity of continuing the sales tax. If you pass this tax for three years only, well, it will be possible for you to tide over the war situation and the present difficulty at any rate. It is because of these reasons that I put forward my proposition that the sales tax should be passed only for three years. If after three years, when it is expected the war will be over and the normal state of things will return, you find further necessity for this Act you may re-enact this measure as you have re-enacted the other Finance Act that was passed by the old Government as a temporary measure.

Sir, with these arguments I would press my motion for the consideration of the House.

**Mr. SASANKA SEKHAR SANYAL:** Mr. Speaker, Sir, I beg to support both the amendments proposed by my friend Mr. Mullick on behalf of Dr. Sanyal and by my friend Rai Harendra Nath Chaudhuri. Sir, the first amendment proposes that the Bill should not be put into operation earlier than six months after the termination of the present European war. Sir, we have trod upon this question at the earlier stages when the motion for circulation was mooted and even the other day when the question of recommittal was discussed. One of the strong arguments against this taxation measure is that the time to-day is not the proper context for the imposition of a tax of this description. It is quite well known, Sir, that on account of the war which has enveloped this country and this province big industries have come to a state of deadlock and small industries are not even functioning as a desperate existence. Commerce has come to a standstill. There is neither import, nor export. The result is that the people are not only not making profits out of their business, but to a large extent business is running at a loss.

Now, one of the remarkable features of this Bill is that profit or no profit the sales would be taxed. Sir, this is against the fundamental conception even of income-tax measures. Now, such a taxation measure could be permitted certainly upon the assumption that persons and commodities that are going to be taxed are able to bear the burden of taxation on the ground of assumed profits, but such an assumption of profits would be entirely beside the point to-day with the context of

the war behind us when all business, trade and commerce is at a deadlock, is dwindling, is almost fast going into liquidation. It is well known, Sir,—and I hope the Hon'ble the Finance Minister also is not ignorant of that,—that the prices of food-crops and ordinary necessaries have gone up and that is an alarming feature so far as the consumers are concerned the number of which is so large. Whatever the Hon'ble Finance Minister may have said on the floor of the House, we have reasonable grounds to feel and to apprehend that ultimately the burden of taxation will be visited upon the consumers, the largest number of which are very, very poor. In that view of the thing, Sir, persons who are purchasing their commodities for necessaries of existence at a high price should not be further visited by extra taxations in the midst of poverty and depression.

There is also another fact. The Hon'ble the Finance Minister will probably jump up whenever there is mention of jute. But it is not merely jute but sugarcane and other money crops are not selling to-day. The result is that the pockets of the poor persons are poorer and emptier still. So, Sir, taking the thing from the two points of view, let not this taxation measure, even if this Bill is passed to-day, be put into operation till the war is over. Six months is necessary for readjustment after the war period and when the ordinary economic laws of demand and supply will come into operation, then and then will it be time for getting additional revenue out of this taxation and certainly not before that.

Then, Sir, with regard to the amendment proposed by my esteemed friend Rai Harendra Nath Chaudhuri, he has made out a very good case. It is one of the fundamental principles of all Finance Bills that they are taken as emergency measures. If they are taken as emergency measures, the period should also be limited in proportion to emergency consideration. Mr. Rai Chaudhuri has proposed a very reasonable time of three years, and after three years this House or the succeeding Legislature will be in a position to consider the effects and the repercussions of this taxation Bill upon the vast millions who will be affected. If then the Finance Minister can make out a strong case for a further extension of this period, he can come out with a new Bill. The old arguments will be there, and it will be time for the representatives of the electorate to consider that Bill at that time. So, Sir, I submit that the amendments proposed, viz., 7 and 274, be accepted, if not by the Hon'ble Finance Minister, at least by the members of this House.

**Mr. SYED JALALUDDIN HASHEMY:** Mr. Speaker, Sir, I rise to support the motion moved by my friend Mr. Mullick on behalf of Dr. Sanyal. Sir, you know very well and the world knows how anxious we are for the successful prosecution and the successful termination of

the present European war, for the simple reason that we are peaceful citizens and we do not propose to be involved in the European war. (The Hon'ble Mr. H. S. SUHRAWARDY: Success for whom?) Success for you, for the Government. But at the same time, Sir, our heart palpitates when we read between the lines of the speech of the Prime Minister of England when he says that the enemy may come at the gate of India. Sir, when we find in the newspapers the statement by Adolf Hitler and the statement by Rudolf Hess and others while they say that the greatest war machine of all time is ready, at that time we feel that our existence is no longer safe in India. (The Hon'ble Mr. H. S. SUHRAWARDY: Except by *satyagraha*.) (Mr. SARAT CHANDRA BOSE: Or except by clownish performances.) Sir, the condition of all businesses is topsy-turvy now. Sir, look at the business of jute; look at the business of paddy and rice; look at the business of piece-goods in India, particularly in Calcutta. Owing to war situation nothing is at rest. It is only wise for the Hon'ble the Finance Minister to wait till the successful prosecution of the war. At least we can expect from the Finance Minister that he will not wage war against the people of India by passing this Bill at a time when the co-operation of Indians is urgently needed by the British Government in England.

Sir, the suggestion made by my friend Mr. Mullick is very pertinent from another point of view. The life of the present Government, particularly the life of the Hon'ble the Finance Minister, expires on the 1st of April, 1942. God alone knows whether it will be extended or not, but let us think in the ordinary course the life of the Hon'ble Finance Minister will be finished on the 1st of April, 1942. Sir, God alone knows whether he will come to power again. I wish that he does not come to power. In that case, Sir, he will have no responsibility. Let the sales tax be introduced and given effect to after the successful termination of the war. As I read the speech of the Prime Minister of England, there is a possibility that this war will be terminated in the year 1942, if not earlier. But we wish we could terminate it in April, 1941.

**Mr. SPEAKER:** You have given two months' grace!

**Mr. SYED JALALUDDIN HASHEMY:** We are still in the winter season and consequently two months ahead.

Sir, I think that from both points of view it will be wise for the Hon'ble Finance Minister to agree to the proposal of Mr. Mullick. It will be difficult, if not impossible, for the Government to realise the sales tax as long as the war continues. Nobody knows, and nobody can say with certainty, what will be the condition of India in March

or April next. Nobody knows, and nobody can say with certainty, that to-morrow bombs may not fall on this city of Calcutta because the danger signal has already been given by the Prime Minister of England. Therefore, it will be wise for the Hon'ble Minister in charge to find out some other ways of securing money for meeting the deficit of the budget. Sir, is it too much to expect from this Government that during this war in which India is directly and indirectly involved—we are a belligerent country and we cannot deny that—there will be no further taxation when every avocation of life is disturbed, particularly business. Therefore, Sir, I would request the Hon'ble Finance Minister to agree to the proposal made by Mr. Mallick.

**Maulvi ABDUL WAHED:** মাননীয় সভাপতি সাহেব—আমার বন্ধু মিঃ মল্লিক উপস্থিত বিক্রয়কর বিল বর্ত্তমান যুদ্ধ শেষ হওয়ার ছয় মাস পরে কার্য্যকরী করার জন্য যে সংশোধন প্রস্তাব উপস্থিত করেছেন তাহার সমর্থনে আমি প্রথমে বলতে চাই যে, বাংলার এই কয়জন মন্ত্রী ছাড়া সারা বাংলার আপামর জনসাধারণের তীব্র প্রতিবাদ সত্ত্বেও জোর করে এই আইন পাশ করে বাংলার জনসাধারণের উপর চাপাবার যে ব্যবস্থা ও চেষ্টা করছেন সেই চেষ্টার ফল আমার বিশ্বাস অদূর ভবিষ্যতে তাঁরা পাবেন। তাঁরা মনে করেছেন মন্ত্রীত্ব গ্রহণ করে চার বৎসর চালিয়ে গিয়েছেন। বাংলার জনসাধারণকে নানা ভূয়া কথা দিয়ে, ফাঁকি দিয়ে অজ্ঞ জনসাধারণের কাছ থেকে ফুলের মালা পেয়েছেন। তাই তাঁদের অহঙ্কার বেড়ে গিয়েছে। বাংলার অজ্ঞ জনসাধারণ তাঁদের কাছ থেকে বহু উপকার পাবার আশায় এই সকল ফুলের মালা দিয়েছিল। বর্ত্তমান বছর থেকে তার প্রতিক্রিয়া আরম্ভ হয়ে গিয়েছে। অবস্থা এই যে বাংলার জনসাধারণ ফুলের মালা ছেড়ে দিয়ে, যে গাছের ফুল দিয়ে মালা তৈরী করত সেই গাছের ডাল দিয়ে চাবুক তৈরী করতে আরম্ভ করেছে। অদূর ভবিষ্যতে তারা অভিনন্দন দেওয়ার পরিবর্ত্তে চাবুক পিটা করার জন্য প্রস্তুত হতেছে।

মাননীয় সভাপতি সাহেব—আজকে বাংলার জনসাধারণের কি দুর্দ্দশা! আজকে বাংলার কৃষক জনসাধারণের মধ্যে বার আনা লোকের ঘরে ভাত নেই, তারা শিক্ষা পায় না, তারা ঋণ-সালিসী বোর্ডের কিস্তি দিতে পারে না, তাদের ভিটা-জমি নিলাম হয়ে যাচ্ছে এর উপর জোর করে তাদের কাছ থেকে যুদ্ধের চাঁদা আদায় করা হচ্ছে, তার উপর আবার চাপান হচ্ছে এই বিক্রয়কর বিলটা। এর প্রতিক্রিয়া একদিন নিশ্চয়ই দেখা দিবে—তা জেনে রাখুন মন্ত্রী মহোদয়গণ।

**The Hon'ble Mr. H. S. SHURAWARDY:** দেখবো।

**Maulvi ABDUL WAHED:** মাননীয় সভাপতি সাহেব—আমি বলতে চাই যে মন্ত্রী মহোদয়গণ জেলাবেজিষ্ট্রেট থেকে আরম্ভ করে সশস্ত্র পুলিশ বাহিনীর পাহারায় যেরাভাবে না গিয়ে, যদি আমাদের মত খালি পায়ে, খালি পায়ে বাংলার পল্লী অঞ্চলে

ঘুরে আসেন তাহলে বুঝতে পারবেন বাংলার জনসাধারণের তিক্ত খেয়ে খেয়ে কি অবস্থা হয়েছে। গত কল্যকার ঘটনাবলী লক্ষ্য করলে উপলব্ধি করা যায় যে এখানেও তাঁদের অবস্থা বড় বেশী সুবিধাজনক নয়। কিছু গোলমাল লেগে উঠেছে।

মাননীয় সভাপতি সাহেব—আজকে আমাদের অর্থ সচিব সাহেব দুটি জিনিষ এক সঙ্গে করতে চেষ্টা করছেন। বাংলার আপামর জনসাধারণকে ফাঁকি দিতে চেষ্টা করছেন। তাদের বলা হচ্ছে যে তোমাদের উপরতো টেক্স ধরা হয়নি, যারা বিক্রয় করবে তাদের উপর টেক্স ধরা হয়েছে। আবার বিক্রেতাদের ফাঁকি দেবার চেষ্টা করা হচ্ছে, তাদের বলা হচ্ছে যে তোমাদের তো টেক্স দিতে হবে না, যারা তোমাদের কাছ থেকে কিনবে তাদের এই টেক্স বহন করতে হবে। এই ভাবে দুই দিক এড়াবার চেষ্টা করা হচ্ছে। আমার বিশ্বাস তাদের মতলব সকলে বুঝে ফেলেছে। আজও এই পরিষদে ঢোকবার সময় বহু যায়গা থেকে এর তীব্র প্রতিবাদের কাগজপত্র পেয়েছি। কাজেই এই ভাবে তাদের ফাঁকি দেওয়া চলবে না। যে ভাবে গোড়া থেকে তাঁরা ফাঁকি দিয়ে এসেছেন সেইভাবে যদি তাঁরা এখনও চলেন তাহলে তাঁদের অদূর ভবিষ্যতে তৈরী হতে হবে এর প্রতিক্রিয়া সহ্য করবার জন্য।

মাননীয় সভাপতি সাহেব—আজকে এই বিক্রয়কর বিল ওঠার সঙ্গে সঙ্গে এবং পাস হবার পূর্ব্বে, আমি কলিকাতার বাজারে অনেক বিক্রেতার কাছ থেকে শুনেছি এই আইন পাস হবার পূর্ব্বেই অনেক জিনিষের দাম শতকরা চার টাকা, পাঁচ টাকা বেড়ে গিয়েছে। আজকাল দেশলাইর দাম এক পয়সা স্থলে দেড় পয়সা, দুই পয়সা হয়েছে। আবার বিশ্বাস এই অবস্থা বিক্রয়কর বিলের তাড়া-হুড়ার জন্যই আছে। যে লবণ ছয় পয়সা, সাত পয়সা সেরে বিক্রয় হত এখন তার দাম আট পয়সা, নয় পয়সায় দাঁড়িয়েছে। বাংলার জনসাধারণ আর কত কাল এই অত্যাচার সহ্য করবে? আমি আগেও একদিন বলেছিলাম বাংলার মন্ত্রীমণ্ডলী যে ভাবে আইন প্রণয়ন করছেন তাতে জনসাধারণের মধ্যে বিদ্রোহ দেখা দিবে, তাঁরা সেই পথটাই পরিষ্কার করছেন। দেখা যাচ্ছে যে এক একবার এক এক জন অর্থ সচিব হচ্ছেন আর তাঁরা এসেই একটা না একটা টেক্স বসিয়ে দিচ্ছেন জনসাধারণের উপর। এই সব বাহাদুরী তাঁরা করছেন। এই বাহাদুরীর সীমা কত দূর। আর বেশী দিন বাকী নেই। এই যে ১৯৪১ সাল চলছে এর পরেই ১৯৪২ সালের প্রথম ভাগে পরীক্ষা উপস্থিত হবে। কাজেই এই অবস্থায় জনসাধারণকে আর পীড়ণ না করার জন্য আমি সনির্ব্বন্ধ অনুরোধ করছি বাংলার জনসাধারণের পক্ষ থেকে। তাঁরা যেন বাংলার জনসাধারণকে জোঁকের মত আর শোষণ না করেন। বাংলার জনসাধারণ শোষিত হতে হতে তাদের অস্থিমজ্জা, মাংস শুকিয়ে গিয়েছে—তারা নর কঙ্কালে পরিণত হয়েছে। এই ভাবে যদি তাদের আরও শোষণ করা হয় তাহলে আবার বিশ্বাস অদূর ভবিষ্যতে দেশে বিদ্রোহের আগুন জ্বলে উঠবে।

**Mr. ISWAR DAS JALAN:** Mr. Speaker, Sir, I beg to support both the amendments moved by Mr. Mullick and Mr. Rai Chaudhuri, and in doing so I wish to draw the attention of the House to the situation through which we are passing at present. The Hon'ble the Finance

Minister has already stated that this is a tax on the consumers, and it is a fact that a portion of the tax must be passed on to the consumers. Then the argument of the Hon'ble the Finance Minister was that if we can bear an increase in price on account of the war and other causes, why cannot we bear an increase in price of, say, one pice per rupee when we are purchasing these goods? Now, Sir, there are things over which we have no control, and there are things over which we have. Simply because a man has died of plague, I do not say that he should be made to die of it. That is not the argument which the Hon'ble the Finance Minister should advance. The whole position is whether the present is the time when the consumers of Bengal should bear a tax of this kind.

Sir, the population of Bengal is either agricultural or mainly consists of persons who are service-holders, mostly drawing small salaries or rather, I should say, of classes who eke out their living by getting whatever they can in the offices of European firms or in Government services or in like ways. So far as the cultivators are concerned, my friends opposite know quite well that the prosperity of the cultivators depends upon the price of jute. And that is the reason why Government have been moving heaven and hell in order to raise the price of jute, but Government have not been able to succeed so far, because the forces which are controlling its price are such that it is rather impossible for Government to control it. At present the price of jute depends upon the export and the quantity that we can export to foreign countries. Export of jute has been curtailed and will remain curtailed for a long time to come. So far as the British Government is concerned, it has already stated in clear and unequivocal terms that this war, if they want to win, is going to last for several years, and that the coming spring is going to see a vast offensive in submarine warfare, and unless the British Government is provided with new ships by the year 1942, it will be impossible for the British Government to continue its trade and commerce in the world. Now, these factors go to show that if the war is prolonged during the next two or three years, the amount of jute which we can export will not be very much. We depended upon the extra consumption of jute on account of the war, and we found that there was a brisk demand when the war broke out. But now we find that in order to save the people from air attacks and for the purposes of war, jute is not required so much as it had been required for trench warfare during the last war. Therefore, we come to this conclusion, that so far as the demand side of jute is concerned, if the war lasts longer which it must, if our British friends are going to win it, then in that case we must be prepared for the next two or three years to see that the export of jute would be negligible.

So far as the supply of jute is concerned, of course a scheme of regulation is going to be enforced next year. But I may tell you even now that in spite of all schemes for the regulation of this crop,

you just rest assured that the supply is going to be much greater than what you are expecting it to be. You cannot control the adjoining provinces of Bihar and Assam; at the same time whatever the Hon'ble the Finance Minister might say, those who have got experience of trade and commerce can predict that the expectations of the Hon'ble the Finance Minister are not going to be true——

**The Hon'ble Mr. H. S. SUHRAWARDY:** Expectations in what?

**Mr. ISWAR DAS JALAN:** That the amount of the next year's crop will be regulated to the extent that the Government desires.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Well, we shall see.

**Mr. ISWAR DAS JALAN:** Therefore, I say, so far as the price of jute is concerned, you may rest assured that for the next few years it is not going to rise to the point that has been hoped for, but that it will remain at a low level and that the purchasing capacity of the agriculturists will thereby be affected. So far as the service-holders are concerned, I should say that the price of every article that they are now purchasing has increased; that prices of all miscellaneous goods have increased several fold. The price of jute which the agriculturists sell has gone down, but the prices of all articles which they consume have gone up. The agriculturists are therefore doubly affected. So far as the service-holders are concerned, there is no prospect of any increase in their salaries. Whatever salary they are now drawing they will continue to draw, but they will have to pay more for the articles that they consume. At present the position of the *bhadralog* classes in Bengal, and especially of the Hindu *bhadralog* classes, is such that graduates and M.As. are dying of starvation, and you want that such persons whose income is, say, Rs. 20 a month, should pay more. It would certainly be a hardship on him even to pay one pice in every rupee as a tax to Government. Therefore, we say that the present is not the proper time for levying a tax of this nature which will ultimately fall heavily on the consumer. Even the European Party was against this tax on the ground that because the war is going on, therefore, more and more demands on the people will be there, so far as the war purposes are concerned. Of course, they have since revised their policy and, rightly or wrongly, they are now going to support the Government, although according to their own statement in this House, this is not the time for levying a tax of this nature. The war has not ceased to exist, and the war demands are still there. The only thing that has happened is that under the pressure of Government the European Party has changed their attitude——

**Mr. SPEAKER:** But I was just hearing that Government has changed their attitude on the pressure of the European Group. (Laughter.)

**Mr. ISWAR DAS JALAN:** It might happen, Sir, that the customs duty or other duties or taxes may bring in more revenues to Government, and Government may not require this tax; but even if Government do require it, then there is no harm in bringing forward a measure of a similar nature in future and get that passed by the House. That is the reason, Sir, why I support both the amendments, and I ask the Government if not from the point of view of dealers, because so far as the dealers are concerned they will be more or less like post offices to pass on this tax to the consumers, but from the point of view of the poor millions of Bengal, not only the cultivators but also all those poor service-holders who are eking out their existence by serving in offices and other places.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, I must confess to a feeling of surprise, if not of astonishment, at the change of outlook of my friends opposite. I was agreeably surprised to find that my friends opposite realise that the war is almost at our doors, and that it is incumbent upon us to support the British in their prosecution of the war, and that on their victory depends our own peace and safety. I was, however, disagreeably surprised to find, Sir, that my honourable friends opposite have not yet realised that even while the war is on, the work of the nation must proceed and the nation-building departments must progress, and whether we have a war or no war, we must try and develop our national services and ameliorate the condition of our people to the best of our ability. (Mr. ATUL KRISHNA GHOSE: By taxation!)

Now, Sir, it would seem that my friends opposite have now more compunction for the war and desire that there should be a greater endeavour to support the Government in the prosecution of the war than for providing money for the nation-building departments. If I had felt that the money saved by the abandonment of this taxation proposals would be spent by the getlemen opposite to help the British in the prosecution of the war, perhaps I might have revised my views in regard to this species of taxation. (Rai HARENDRA NATH CHAUDHURI: Nobody said that.)

Sir, Rai Harendra Nath Chaudhuri has given us instances of other countries which have levied taxation only for temporary periods. He has cited the instance of Germany—I do not know whether the taxation there is temporary or not I think it is of a very permanent nature; it is continuing from year to year; there have been changes in the amount, figure and the percentage, but it is continuing—but I submit,

Sir, that it is not a sufficient parallel. So far as our Provincial Government is concerned, the sales tax is almost the only method of taxation at our disposal by which we can hope to raise a substantial amount of money. If we were an autonomous Government, then we could have taxes of other kinds; we might have increased the export and import duties; we might have levied a higher rate of income-tax; we might have tried other measures, but with a Provincial Government like ours, the sales tax is almost the only remedy to which we can resort, particularly in periods of depression. I would like honourable members of the House to note that whenever a sales tax has been imposed, it has not been imposed at a time when everything was flourishing, but it has been imposed during periods of depression. (Rai HARENDRA NATH CHAUDHURI: That is our argument.)

Now, Sir, if we find that we have too much money at our disposal, if after we have tappped other measures of taxation, there is plenty of money which we do not know how to spend, then I have not the least doubt that the Finance Ministers who will come after me will so regulate taxation as to bring the income within the amount of expenditure, leaving of course a fair sum for reserves. But that is a matter for the future. So far as the present is concerned, we cannot avoid this taxation at all. My friend points out that there has been a temporary deterioration under the head "Customs" and some day or other the finances will be much better, and we shall have more money from the Centre and more money from the jute proceeds. This argument is plausible, and it would have been correct if the income of this Government was at any time sufficient to meet the ordinary expenses. As a matter of fact, the income of this Government is *per capita* less than the income of any other province and has never been sufficient to meet that standard of administration which a reasonably run Government ought to meet.

Sir, I do not know whether I need refer to Mr. Sasanka Sekhar Sanyal's argument, because he has contradicted himself over and over again. On the one hand, he said that traders would lose if this tax was levied and therefore it was iniquitous, and then after that he said that the tax will be paid by the consumers. Now if the tax is paid by the trader, what does it matter whether there is profit or no profit to the trader? He simply passes on the tax which he has collected from the consumer. (Mr. ATUL KRISHNA GHOSE: What a fine argument!)

Abdul Wahed Mia of Bokainagar has in a way justified the name which he so proudly bears. (Laughter from the Coalition Party Benches.)

**Mr. ATUL KRISHNA GHOSE:** On a point of order, Sir. Does the Hon'ble Minister know that there are commodities like *himani* and *jabakusum* oil which are sold at the very same prices at which the dealers buy them from the manufacturers?

**The Hon'ble Mr. H. S. SUHRAWARDY:** I am fully aware of that. Mr. Bokainagari states that in anticipation of this tax the prices of commodities that are going to be taxed have gone up and he cites as an instance that the price of salt has gone up from five pice to six pice or seven pice. Now, Sir, everyone, who has read this Bill knows—of course I do not expect Abdul Wahed Mia of Bokainagar to read this Bill (Mr. JOGESH CHANDRA GUPTA: Why not?)—that salt has been exempted from taxation. If the price of salt has gone up, it must have gone up for other reasons. I have not the least doubt that if there is increase in price or fluctuations in price, the increase or decrease is due to economic reasons and has nothing whatsoever to do with this proposed taxation.

Mr. Jalan has put forward arguments which go against the imposition of the tax, and not in favour of the amendments. I think those arguments have already been met by me on previous occasions.

**Mr. SASANKA SEKHAR SANYAL:** Sir, there are two other amendments, namely, Nos. 237 and 238.

**Mr. SPEAKER:** Amendment No. 237 has not been moved, while amendment No. 238 is out of order.

The motion of Srijut Ashutosh Mullick that in clause 1 (*3*), in line 1, after the words "such date," the words "not being earlier than six months after the termination of the present European war" be inserted, was then put and a division taken with the following result:—

**AYES—50.**

Abdul Wahed, Maulvi.
Abu Hossain Sarkar, Maulvi.
Abul Fazl, Mr. Md.
Ahmed Khan, Mr. Syed.
Azimuddin Ahmed, Mr.
Banerji, Mr. P.
Banerji, Mr. Satya Priya.
Barma, Babu Promhari.
Barman, Babu Shyama Prosad.
Bhawmik, Dr. Gobinda Chandra.
Biswas, Babu Lakshmi Narayan.
Bidwai, Mr. Surendra Nath.
Bose, Mr. Sarat Chandra.
Chakrabarty, Mr. Jatindra Nath.
Chaudhuri, Rai Narendra Nath.
Das, Mr. Manmohan.
Das Gupta, Babu Khagendra Nath.
Das Gupta, Srijut Narendra Nath.
Dolui, Mr. Narendra Nath.
Emdadul Haque, Kazi.
Ghose, Mr. Atul Krishna.
Gupta, Mr. Jogesh Chandra.
Gupta, Mr. J. N.
Hasan Ali Chowdhury, Mr. Syed.
Jalaluddin Hashemy, Mr. Syed.
Jalan, Mr. I. D.
Jonab Ali Majumdar, Maulvi.
Kundu, Mr. Bishitha Nath.
Maji, Mr. Adwaita Kumar.
Mandal, Mr. Amrita Lal.
Masiruzzaman Islamabadi, Maulana Md.
Maqbul Hossain, Mr.
Mullick, Srijut Ashutosh.
Nasker, Mr. Hem Chandra.
Nausher Ali, Mr. Syed.
Ramizuddin Ahmed, Mr.
Roy, Mr. Charu Chandra.
Roy, Mr. Kiran Sankar.
Roy, Mr. Manmotha Nath.
Sanyal, Mr. Sasanka Sekhar.
Sen, Mr. Atul Chandra.
Sen, Rai Bahadur Jogesh Chandra.
Sen-Gupta, Mrs. Nellie.
Shahedali, Mr.
Shamsuddin Ahmed, Mr. M.
Singha, Babu Kshetra Nath.
Sinha, Srijut Maniendra Bhusan.
Thakur, Mr. Pramatha Ranjan.
Wahed Rahman, Maulvi.
Zaman, Mr. A. M. A.

NOES—101.

Abdul Aziz, Maulana Md.
Abdul Hafiz, Mr. Mirza.
Abdul Hakim, Maulvi.
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Hamid, Mr. A. M.
Abdul Jabbar, Maulvi.
Abdul Majid, Mr. Syed.
Abdulla-al Mahmood, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rashid Mahmood, Mr.
Abdur Rasheed, Maulvi Md.
Abdur Rauf, Khan Bahadur Maulvi S.
Abdur Rauf, Khan Bahadur Shah.
Abdur Razzak, Maulvi.
Abdus Shaheed, Maulvi Md.
Abidur Reza Chowdhury, Khan Bahadur Maulvi.
Abul Hashim, Maulvi.
Abul Hossain Ahmed, Mr.
Abul Quasem, Maulvi.
Aftab Ali, Mr.
Ahmed Ali Mridha, Maulvi.
Ahmed Hossain, Mr.
Alfazuddin Ahmed, Khan Bahadur Maulvi.
Amiruddin, Khan Sahib Maulvi.
Amir Ali Mia, Maulvi Md.
Anwarul Azim, Khan Bahadur Md.
Ashrafali, Mr. M.
Aulad Hossain Khan, Khan Bahadur Maulvi.
Azhar Ali, Maulvi.
Badruddoja, Mr. Syed.
Birkmyre, Sir Henry, Bart.
Biswas, Mr. Rasik Lal.
Chippendale, Mr. J. W.
Das, Rai Sahib Kirit Bhusan.
Edser, Mr. Upendranath.
Farhad Raza Chowdhury, Mr. M.
Farhat Bano Khanam, Begum.
Fazlul Huq, the Hon'ble Mr. A. K.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr. (Dacca).
Fazlur Rahman, Mr. (Mymensingh).
Gladding, Mr. D.
Griffiths, Mr. G.
Gyasuddin Ahmed Chowdhury, Alhadj.
Habibullah, the Hon'ble Nawab Bahadur K., of Dacca.
Haddow, Mr. R. R.
Hafizuddin Chowdhuri, Maulvi.
Hamiduddin Ahmed, Khan Sahib.
Hamilton, Mr. R. A.
Hannanzzaman, Maulvi Md.
Hashem Ali Khan, Khan Bahadur Maulvi.
Hawkings, Mr. R. J.
Hendry, Mr. David.
Heywood, Mr. Regers.
Hirtzel, Mr. H. A. F.
Jalaluddin Ahmad, Khan Bahadur Maulvi.
Kashiruddin Khan, Khan Bahadur Maulvi.
Kazem Ali Mirza, Sahibzada Kawan Jah Syed.
Kennedy, Mr. I. G.
McGregor, Mr. G. G.
Mafizuddin Ahmed, Dr.
Mafizuddin Ahmed, Maulvi.
Malik, Dr. A. M.
Mandal, Mr. Banku Behari.
Mandal, Mr. Jagat Chandra.
Maniruddin Akhand, Maulvi.
Morgan, Mr. G., C.I.E.
Moslem Ali Mollah, Maulvi M.
Muhammad Afzal, Khan Bahadur Maulvi Syed.
Muhammad Ibrahim, Maulvi.
Muhammad Ishaque, Maulvi.
Muhammad Israil, Maulvi.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Pulin Behary.
Musharruf Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustagawsal Haque, Mr. Syed.
Nandy, the Hon'ble Maharaja Srischandra, of Cossimbazar.
Nasrullah, Nawabzada K.
Norton, Mr. H. R.
Patton, Mr. W. G.
Raikut, the Hon'ble Mr. Prasanna Deb.
Roy, Mr. Dhananjoy.
Roy, Mr. Patiram.
Sadaruddin Ahmed, Mr.
Saifuddin Ahmed, Haji.
Sahebe-Alam, Mr. Syed.
Salim, Mr. S. A.
Sassoon, Mr. R. M.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja, C.B.E.
Shamsuddin Ahmed Khondkar, Mr.
Sinclair, Mr. J. F.
Sirdar, Babu Litta Munda.
Smith, Mr. H. Brahaat.
Speller, Mr. J. H.
Steven, Mr. J. W. R.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, the Hon'ble Mr.
Tofel Ahmed Chowdhury, Maulvi, alh.
Walker, Mr. W. A. M.
Yusuf Ali Chowdhury, Mr.

*(Before announcing the result.)*

**Mr. SPEAKER:** I am sorry Khan Bahadur Muhammad Ali is not here. He left the Chamber after I closed the division. So his vote will be excluded.

The Ayes being 50 and the Noes 101, the motion was lost.

The motion of Rai Harendra Nath Chaudhuri that after the word "appoint" at the end of sub-clause (*3*) of clause 1 the following words be added, viz.—

"and shall remain in force for three years from that date."

was then put and a division taken with the following result:—

**AYES—47.**

Abdul Wahed, Maulvi.
Abu Hossain Sarkar, Maulvi.
Abul Fazl, Mr. Md.
Ahmed Khan, Mr. Syed.
Azimuddin Ahmed, Mr.
Banerji, Mr. P.
Banerji, Mr. Satya Priya.
Barma, Babu Promhari.
Barman, Babu Shyama Prosad.
Bhowmik, Dr. Kobinda Chandra.
Biswas, Babu Lakshmi Narayan.
Biswas, Mr. Surendra Nath.
Bose, Mr. Sarat Chandra.
Chakraborty, Mr. Jatindra Nath.
Chaudhuri, Rai Harendra Nath.
Das, Mr. Monmohan.
Das Gupta, Babu Khagendra Nath.
Das Gupta, Srijut Harendra Nath.
Doloi, Mr. Harendra Nath.
Emdadul Haque, Kazi.
Ghose, Mr. Atul Krishna.
Gupta, Mr. Jogesh Chandra.
Gupta, Mr. J. N.
Hasan Ali Chowdhury, Mr. Syed.
Jalaluddin Hashemy, Mr. Syed.
Jaina, Mr. I. D.
Jonab Ali Majumdar, Maulvi.
Kuydu, Mr. Nishitha Nath.
Maji, Mr. Adwaita Kumar.
Mandal, Mr. Amrita Lal.
Manirazzaman Islamabadi, Maulana Md.
Mullick, Srijut Ashutosh.
Naskar, Mr. Hem Chandra.
Nausher Ali, Mr. Syed.
Ramizuddin Ahmed, Mr.
Roy, Mr. Charu Chandra.
Roy, Mr. Kiran Sankar.
Roy, Mr. Manmatha Nath.
Sanyal, Mr. Sasanka Sekhar.
Sen, Mr. Atul Chandra.
Sen, Rai Bahadur Jogesh Chandra.
Sen-Gupta, Mrs. Nellie.
Shahedali, Mr.
Shamsuddin Ahmed, Mr. M.
Sinha, Srijut Manendra Bhusan.
Thakur, Mr. Pramatha Ranjan.
Zaman, Mr. A. M. A.

**NOES—34.**

Abdul Aziz, Maulana Md.
Abdul Hafiz, Mr. Mirza.
Abdul Hakim, Maulvi.
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Hamid, Mr. A. M.
Abdul Majid, Mr. Syed.
Abdulla-Al Mahmood, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rasheid Mahmood, Mr.
Abdur Rasheed, Maulvi Md.
Abdur Rauf, Khan Bahadur Maulvi S.
Abdur Rauf, Khan Bahadur Shah.
Abdur Razzak, Maulvi.
Abdus Shaheed, Maulvi Md.
Akbar Reza Chowdhury, Khan Bahadur Maulvi.
Abul Hashim, Maulvi.
Abul Hossain Ahmed, Mr.
Abul Quasem, Maulvi.
Afzal Ali, Mr.
Ahmed Ali Mridha, Maulvi.
Ahmed Hossain, Mr.
Alimuddin Ahmed, Khan Bahadur Maulvi.
Aminullah, Khan Sahib Maulvi.
Amir Ali Mia, Maulvi Md.
Anwarul Azim, Khan Bahadur Md.
Asharfuli, Mr. M.
Aulad Hossain Khan, Khan Bahadur Maulvi.
Azhar Ali, Maulvi.
Badruddoja, Mr. Syed.
Birkmyre, Sir Henry, Bart.
Biswas, Mr. Ranik Lal.
Chippendale, Mr. J. W.
Das, Rai Sahib Kirit Bhusan.
Farhad Raza Chowdhury, Mr. M.
Farhat Bano Khanam, Begum.
Fazlul Huq, the Hon'ble Mr. A. K.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr. (Dacca).
Fazlur Rahman, Mr. (Hymenshahi).
Gladding, Mr. D.
Griffiths, Mr. G.
Gyasuddin Ahmed-Chowdhury, Alhadj.
Habibullah, the Hon'ble Nawab Bahadur K., of Dacca.
Hafizuddin Chowdhuri, Maulvi.
Hamiduddin Ahmed, Khan Sahib.
Hamilton, Mr. K. A.
Hassanuzzaman, Maulvi Md.
Hasham Ali Khan, Khan Bahadur Maulvi.
Hawthorn, Mr. R. J.
Hendry, Mr. David.
Heywood, Mr. Regan.

Mallick, Mr. H. A. F.
Jalaluddin Ahmad, Khan Bahadur Maulvi.
Kaliruddin Khan, Khan Bahadur Maulvi.
Kasem Ali Mirza, Sahibzada Kawas Jah Syed.
Kennedy, Mr. I. G.
McGregor, Mr. G. G.
Mafizuddin Ahmed, Dr.
Mafizuddin Ahmed, Maulvi.
Malik, Dr. A. M.
Mandal, Mr. Benku Behari.
Mandal, Mr. Jagat Chandra.
Maniruddin Akhand, Maulvi.
Morgan, Mr. G., O.I.E.
Moslem Ali Mollah, Maulvi M.
Muhammad Afzal, Khan Bahadur Maulvi Syed.
Muhammad Ishaque, Maulvi.
Muhammad Israil, Maulvi.
Mullick, the Hon'ble Mr. Nukunda Behary.
Mullick, Mr. Pulin Behary.
Mucharruf Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustaguroosal Haque, Mr. Syed.
Nandy, the Hon'ble Maharaja Srischandra, of Cossimbazar.
Nasiruliah, Nawabzada K.
Norton, Mr. M. H.
Patton, Mr. W. G.
Raikut, the Hon'ble Mr. Prasanna Deb.
Roy, Mr. Dhananjoy.
Sadaruddin Ahmed, Mr.
Sahebe-Alam, Mr. Syed.
Salim, Mr. S. A.
Samson, Mr. H. H.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja, C.B.E.
Shamsuddin Ahmed Khondkar, Mr.
Sinclair, Mr. J. F.
Sirdar, Babu Lilta Munda.
Smith, Mr. H. Graham.
Speller, Mr. J. M.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, the Hon'ble Mr.
Tofel Ahmed Choudhury, Maulvi Haji.
Walker, Mr. W. A. M.
Yusuf Ali Choudhury, Mr.

The Ayes being 47 and the Noes 94, the motion was lost.

The question that clause 1 stand part of the Bill was then put and agreed to.

*Clause 2.*

**Mr. MD. ABUL FAZL:** Sir, I beg to move that in clause 2 (*b*) (*i*), in line 3, after the word "immovable" the words "or movable" be inserted.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, I oppose this amendment. The contract must be restricted to immovable property.

The motion was put and lost.

**Mr. MD. ABUL FAZL:** Sir, I intend to move my amendment that in clause 2 (*d*) after the word "firm" wherever it occurs the word "association" be inserted——

**Mr. SPEAKER:** The word "person" is broad enough to include "association". I do not think this amendment is necessary.

**Mr. ISWAR DAS JALAN:** Sir, I beg to move that in clause 2(*d*), in line 2, after the word "family" the word "regularly" be inserted.

Sir, I also beg to move that in clause 2(*e*), in line 2, after the word "securities" the words "delivery orders, railway receipts, bills of lading or other instruments of title" be inserted.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, I oppose the amendments. In the case of amendment No. 115, perhaps the word "regularly" does not add anything to the meaning. Regarding amendment No. 117, all sales effected by means of delivery orders will escape taxation.

The motion of Mr. Iswar Das Jalan that in clause 2(*d*), in line 2, after the word "family" the word "regularly" be inserted, was then put and lost.

The motion of Mr. Iswar Das Jalan that in clause 2(*e*), in line 2, after the word "securities" the words "delivery orders, railway receipts, bills of lading or other instruments of title" be inserted, was then put and lost.

**Mr. MD. ABUL FAZL:** Sir, I beg to move that in clause 2(*f*), line 2, after the word "Act" the words "and passed by both Houses of the Bengal Legislature" be inserted.

Clause 2(*f*) says that "prescribed" means prescribed by rules made under this Act. But the rules which Government want to lay down should be passed by both the Houses of Legislature before they are enforced. The word "prescribe" in clause 23 with regard to rules to be framed by Government refers to the taxable quantum. This should be passed before the rules are promulgated. Then again, clause 23 (*b*) is also important. It says "proportion referred to in sub-clause (*ii*) of clause (*i*) of section 2." (*c*) says "the other sales, turnover in respect of which may be deducted from a dealer's gross turnover in computing his taxable turnover as defined in section 5." This is also important. Then again (*f*), which says "the intervals at which, and the manner in which, the tax under this Act shall be payable." This is also important. Then again (*h*), which says "the classes of dealers, other than registered dealers who shall furnish the returns required by sub-section (2) of section 8." This is also important. Then again (*i*), which says "the manner of assessment under section 9." This is also important. Then there are (*j*), (*k*), (*kk*), (*l*), (*ll*), (*m*), (*n*), (*o*) and (*p*). All these are most important things. The applicability of these should be well discussed in this House before the orders are promulgated by Government. So I move my motion for the acceptance of the House.

**Mr. SASANKA SEKHAR SANYAL:** Sir, I beg to support this motion on a question of principle. Our object in supporting this motion is that nowadays particularly in our province the rules have become as much a substantive portion of legislation as the sections themselves are, and if it is necessary to have the sections passed through a House of Legislature——

**Mr. SPEAKER:** Mr. Mullick says that it is sometimes more.

**Mr. SASANKA SEKHAR SANYAL:** I am coming to that, Sir. I thank Mr. Mullick. Sir, if it is necessary for the Provincial Government to spend so much money by summoning the Houses of Legislature in order to have the sections and clauses discussed and the substantive clauses passed by both Houses, it is equally necessary that the rules which are going to have the force of law should be discussed on the floor of this House, and it is also notorious that sometimes in the preparation of the rules, Government goes beyond the scope of the Act itself, and the result is that uncontemplated and undesired provisions will be introduced into legislation through the back-door of the rule-making power. I thank the Hon'ble Mr. Mullick for saying that the rules sometimes go more than the Act. There is an example which relates to the Bengal Agricultural Debtors Act itself. For example, in section 55 of the Agricultural Debtors Act, Government was empowered to frame rules for the purpose of carrying out the purposes of the Act, but the Legislature did not create different judicial forums for the purpose of determining awards, and what did Government do? Government introduced a new forum, namely, the Collector, who shall determine whether cases within Rs. 5,000 and Rs. 25,000 should go to the Board. So far as the rule is concerned, it is clear, namely, that it gives Government power in order to determine the limit of the debt which can be determined by Boards, but the rules do not authorise Government to create new forums which will involve certain new things within the meaning of the Act. The "Collector" does not exist within the four corners of the Act except as a supervising authority under rule 92 of the Bengal Agricultural Debtors Act, but new things have happened and, as has been described in better places, the rule-making power is a new despotism which should be the last thing to be given by a democratic Legislature to Government, because a Government, however well constituted it may be, have always got a tendency to ride rough-shod over certain things. I notice that the Hon'ble the Chief Minister is smiling, but it is well known that whenever you have a power you have a tendency to misuse that power. Here we are to check you and brake you. So the rules must be passed by both Houses, so that we can pass our opinion upon them, and we can make Government wiser by our amendments. For example, Sir, the Hon'ble Mr. Suhrawardy is daily becoming wiser by our amendments and is tabling new amendments every day. So, Sir, if the rules are placed before the House, we shall make Government wiser by our suggestions.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, on a previous occasion on the floor of this House, we discussed the limitations of Government in framing rules. I oppose this amendment. It is necessary that power should rest with Government to frame and amend the

rules. The rules are all first published for opinion, and I have not the least doubt that at that moment if my friends have any good suggestions to offer they can do so, and Government will profit by their suggestions.

The motion of Mr. Md. Abul Fazl that in clause 2(*f*), line 2, after the word "Act" the words "and passed by both Houses of the Bengal Legislature" be inserted, was then put and a division taken with the following result:—

**AYES—43.**

Abdel Wahed, Maulvi.
Abu Hossain Sarkar, Maulvi.
Abul Fazl, Mr. Md.
Ahmed Khan, Mr. Syed.
Asimuddin Ahmed, Mr.
Banerji, Mr. P.
Banerji, Mr. Satya Priya.
Barma, Babu Promhari.
Barman Babu Syama Prosad.
Chaumik, Dr. Gobinda Chandra.
Biswas, Babu Lakshmi Narayan.
Biswas, Mr. Surendra Nath.
Bose, Mr. Sarat Chandra.
Chakraberty, Mr. Jatindra Nath.
Chaudhuri, Rai Harendra Nath.
Das, Mr. Monmohan.
Das Gupta, Babu Khagendra Nath.
Das Gupta, Srijut Narendra Nath.
Emdadul Haque, Kazi.
Ghose, Mr. Atul Krishna.
Gupta, Mr. J. N.
Hasan Ali Chowdhury, Mr. Syed.
Jalaluddin Hashemy, Mr. Syed.
Jalan Mr. I. D.
Jonab Ali Majumdar, Maulvi.
Kundu, Mr. Nishitha Nath.
Maji, Mr. Adwaita Kumar.
Mandal, Mr. Amrita Lal.
Maqbul Hosain, Mr.
Mullick, Srijut Ashutosh.
Naskar, Mr. Hem Chandra.
Nausher Ali, Mr. Syed.
Roy, Mr. Charu Chandra.
Roy, Mr. Kiran Sankar.
Roy Mr. Manmatha Nath.
Sanyal, M. Sasanka Sekhar.
Sen, Mr. Atul Chandra.
Sen-Gupta, Mrs. Nellie.
Shahedali, Mr.
Shamsuddin Ahmed, Mr. Md.
Sinha, Srijut Maniudra Bhusan.
Thakur, Mr. Pramatha Ranjan.
Zaman, Mr. A. M. A.

**NOES—92.**

Abdul Aziz, Maulana Md.
Abdul Hafiz, Mr. Mirza.
Abdul Hakim, Maulvi.
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Hamid, Mr. A. M.
Abdul Majid, Mr. Syed.
Abdulla-Al Mahmood, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rashid Mahmood, Mr.
Abdur Rashood, Maulvi Md.
Abdur Rauf, Khan Bahadur Maulvi S.
Abdur Rauf, Khan Bahadur Shah.
Abdus Shahood, Maulvi Md.
Abdur Reza Chowdhury, Khan Bahadur Maulvi.
Abul Hashim, Maulvi.
Abul Hosain Ahmed, Mr.
Abul Quasem, Maulvi.
Aftab Ali, Mr.
Ahmed Ali Mridha, Maulvi.
Ahmed Hosain, Mr.
Alimuddin Ahmed, Khan Bahadur Maulvi.
Aminullah, Khan Sahib Maulvi.
Amir Ali Bia, Maulvi Md.
Anwarul Azim, Khan Bahadur Md.
Ashrafuli, Mr. M.
Aulad Hossain Khan, Khan Bahadur Maulvi.
Azhar Ali, Maulvi.
Badruddoja, Mr. Syed.
Birkmyre, Sir Henry, Bart.
Chippendale, Mr. J. W.
Das, Rai Sahib Kirit Bhusan.
Farhad Raza Chowdhury, Mr. M.
Farhat Bano Khanam, Begum.
Fazlul Huq, the Hon'ble Mr. A. K.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr. (Dacca).
Fazlur Rahman, Mr. (Mymensingh).
Gladding, Mr. B.
Griffiths, Mr. G.
Gyasuddin Ahmed Chowdhury, Alhadj.
Habibullah, the Hon'ble Nawab Bahadur K., of Dacca.
Hafizuddin Chowdhuri, Maulvi.
Hamiduddin Ahmed, Khan Sahib.
Hassanuzzaman, Maulvi Md.
Hawthorn, Mr. R. J.
Hendry, Mr. David.
Heywood, Mr. Regert.
Hirtzel, Mr. H. A. F.
Jalaluddin Ahmed, Khan Bahadur Maulvi.

Kabiruddin Khan, Khan Bahadur Maulvi.
Kasem Ali Mirza, Sahibzada Kawas Jah Syed.
Kennedy, Mr. I. G.
McGregor, Mr. G. G.
Mafizuddin Ahmed, Dr.
Mafizuddin Ahmed, Maulvi.
Malik, Dr. A. M.
Mandal, Mr. Banku Behari.
Mandal, Mr. Jagat Chandra.
Maniruddin Akhand, Maulvi.
Mohammed Ali, Khan Bahadur.
Morgan, Mr. G., C.I.E.
Motlem Ali Mollah, Maulvi M.
Muhammad Afzal, Khan Bahadur Maulvi Syed.
Muhammad Ibrahim, Maulvi,
Muhammad Ishaque, Maulvi.
Muhammad Israil, Maulvi.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Pulin Behary.
Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustagawai Haque, Mr. Syed.
Nandy, the Hon'ble Maharaja Srischandra, of Cossimbazar.
Nasrullah, Nawabzada K.
Norton, Mr. H. R.
Patton, Mr. W. S.
Raikut, the Hon'ble Mr. Prasanna Deb.
Roy, Mr. Dhananjoy.
Sadaruddin Ahmed, Mr.
Sahebe-Alam, Mr. Syed.
Salim, Mr. S. A.
Sassoon, Mr. R. M.
Serajul Islam, Mr.
Shahabeddin, Mr. Khwaja, S. B. E.
Shamsuddin Ahmed Khondkar, Mr.
Sinclair, Mr. J. F.
Sirdar, Babu Lalit Munda
Smith, Mr. H. Brahant.
Speller, Dr. J. H.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, the Hon'ble Mr.
Tofel Ahmed Choudhury, Maulvi Hafi.
Walker, Mr. W. A. M.
Yusuf Ali Choudhury, Mr.

The Ayes being 43 and the Noes 92, the motion was lost.

## Adjournment.

It being 8-5 p.m.—

The House was adjourned at 8-5 p.m., till 4-45 p.m. on Wednesday, the 12th February, 1941, at the Assembly House, Calcutta.

## Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Wednesday, the 12th February, 1941, at 4-45 p.m.

**Present:**

Mr. Speaker (the Hon'ble Sir MUHAMMAD AZIZUL HAQUE, C.I.E., Khan Bahadur) in the Chair, 9 Hon'ble Ministers and 197 members.

**Mr. O. GRIFFITHS:** Mr. Speaker, Sir, I rise on a point of vital importance to the people of Bengal, India and the British Empire. To-day is a declared holiday for all schools and colleges to celebrate our victory in Africa. I would, therefore, suggest that you adjourn this House to celebrate the event——

**Mr. SPEAKER:** Order, order. I have heard you. You need not go on with your speech.

**Mr. O. GRIFFITHS:** The moral effect produced by such an act will be tremendous, and will show the enemy that we are united, no matter what our differences are on other subjects. It must be remembered that Indian troops, our countrymen, are also co-operating with the Australians in Africa and we must stand by them whole-heartedly in appreciating their success.

**Mr. SPEAKER:** Mr. Griffiths, I am under the most painful necessity of reminding you that you are obstructing the proceedings of the House and the next time you do so, I shall have the painful necessity of exercising the power of asking you to leave the House.

### STARRED QUESTIONS

**(to which oral answers were given)**

**Scheme for reorganisation of rural health work.**

***83. Mr. SYED JALALUDDIN HASHEMY:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state—

(*i*) whether Government have in view a scheme for the reorganisation of rural health work in some of the districts of Bengal;

(*ii*) whether the Government have made provision in the Budget for the purpose; and

(*iii*) whether any work under such scheme has already been started in some districts?

(*b*) If the answer to (*a*) (*i*) is in the affirmative, will the Hon'ble Minister be pleased to lay on the table a copy of such a scheme and to state—

(*i*) the names of the districts where such work will be undertaken, and which of them have agreed to co-operate with Government in carrying out the proposals of the scheme;

(*ii*) whether its work will be controlled directly by the District Board concerned or by the Director of Public Health, Bengal; and

(*iii*) the approximate date when the work is to begin?

**MINISTER in charge of the PUBLIC HEALTH and LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca):** (*a*) (*i*) and (*ii*) Yes.

(*iii*) No.

(*b*) A copy of the Rural Health Reorganisation Scheme which is still under examination of Government is laid on the Library table.

(*i*) The matter has not yet been finally settled.

(*ii*) It is contemplated in the scheme framed by the Director of Public Health that he will have adequate control.

(*iii*) As some of the important outstanding questions have not yet been finally decided, no approximate date can be given as to when the scheme will begin to operate.

**Mr. SYED JALALUDDIN HASHEMY:** With reference to answer (*a*) (*ii*), will the Hon'ble Minister be pleased to state the exact amount that has been provided in the budget?

**The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:** I would request the honourable member to wait for the budget.

**Khan Bahadur MOHAMMED ALI:** Will the Hon'ble Minister be pleased to state whether he is aware of the fact that almost all the district boards have disapproved of the scheme?

**The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:** The honourable member is making a mistake. There are two schemes, one the rural public health organisation and the other the medical relief between two union boards.

**Communication between east Pabna and headquarters of Pabna district.**

***64. Maulvi AZHAR ALI:** (*a*) Is the Hon'ble Minister in charge of the Communications and Works Department aware—

(*i*) that there is no easy way of communication except by motor bus in dry season from the east Pabna to the headquarters of the Pabna district;

(*ii*) that there is no prospect of any railway within the district of Pabna connecting the headquarters with the east Pabna in near future; and

(*iii*) that Mr. King in his comprehensive report on Road Development Project in Bengal, Vol. VII, remarked, in connection with Trunk Road No. 26, as "The section of the road in the Pabna district is far removed from the Railway" and not likely to be a competitive one?

(*b*) If the answers to (*a*) are in the affirmative, whether it is in the contemplation of Government to take up the construction of this Trunk Road No. 26 in preference to other roads, from Pabna town to Selauda first and thence to Ullahpara next to remove the long-felt want of the public?

**MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar):** (*a*) Yes.

(*b*) Government do not contemplate taking up the construction of such a road in preference to other roads already programmed. In this connection I would draw the honourable member's attention to Government's decision to spread Road Fund Works over as many districts as possible and to remind him that the district of Pabna had benefited from this Fund by the work done on the Pabna-Ishurdi Road, whereas several districts had so far been less fortunate.

**Distress of jute cultivators.**

***66. Maulvi MUHAMMAD ISRAIL:** (*a*) Is the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department aware—

(*i*) that for unusual fall in the prices of jute and unprecedented drought this year acute distress prevails among the agriculturists of jute-growing districts; and

(*ii*) that the agriculturists of the jute-growing areas are not in a position to pay their dues of the instalment under the award of the Debt Settlement Boards this year?

(*b*) If the answer to (*a*) (*ii*) is in the affirmative, is the Hon'ble Minister considering the desirability of deferring the realisation of the instalments of the Debt Settlement Boards in the jute-growing areas this year?

**MINISTER in charge of the CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick):** (*a*) (*i*) Due to want of timely rain and lack of buyers, the price of jute in some of the jute-growing districts was low for some time but the prices on the whole have not been lower than in several previous years, e.g., 1935, 1936 and 1937. The prices now are considerably better.

(*ii*) Government have no information as under the Bengal Agricultural Debtors Act they are not responsible for the realisation of the instalments.

(*b*) Does not arise.

**Mr. SYED JALALUDDIN HASHEMY:** With reference to answer (*a*) (*i*), will the Hon'ble Minister be pleased to give us some idea of the prices of jute in Bengal now prevailing in the market? He says, Sir, that the prices are now considerably better, and I want to know the approximate prices in different districts of Bengal.

**The Hon'ble Mr. MUKUNDA BEHARY MULLICK:** I would refer the honourable member to the market itself, but if he desires I can only tell him that while in 1934-35 the prices at the baling centres varied from Rs. 3 to Rs. 4-8, the prices at the baling centres now vary from Rs. 4-8 to Rs. 5-8 per maund for the bottom quality and for the middle quality they vary from Rs. 6 to Rs. 8.

**Mr. SASANKA SEKHAR SANYAL:** In view of answer (*a*) (*ii*), where the Hon'ble Minister says that Government are not responsible for the realisation of the instalments, will the Hon'ble Minister be pleased to state as to who is responsible for this realisation?

**The Hon'ble Mr. MUKUNDA BEHARY MULLICK:** It is made on an amicable basis and the debtors themselves are responsible for paying off their instalments in time.

**Mr. SASANKA SEKHAR SANYAL:** By what machinery is this realisation done?

**The Hon'ble Mr. MUKUNDA BEHARY MULLICK:** Debtors, after they get the award, pay to the creditors themselves personally or through money orders.

**Mr. SASANKA SEKHAR SANYAL:** If they do not pay voluntarily, what is the machinery for the realisation of these instalments?

**The Hon'ble Mr. MUKUNDA BEHARY MULLICK:** I would refer the honourable member to the provisions of the Act. Under section 28 ample provision is made for the realisation of arrears.

**Mr. SASANKA SEKHAR SANYAL:** Under section 28 certain certificate officers are appointed. Will the Hon'ble Minister be pleased to state whether Government have any control over them or not?

**The Hon'ble Mr. MUKUNDA BEHARY MULLICK:** They are certificate officers under the Collectors of districts and in cases of default, applications are to be made to these certificate officers.

**Mr. SASANKA SEKHAR SANYAL:** Sir, my question has not been answered. It is whether Government have any control over these officers or not.

**Mr. SPEAKER:** They are the Collectors of the districts.

## UNSTARRED QUESTIONS

**(to which answers were laid on the table)**

**Names and qualifications of nominated members of Chandibarpur and Singia Debt Settlement Boards, police-station Narail (Jessore).**

**29. Mr. P. BANERJI:** (*a*) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state whether it is a fact that the Government nominated some illiterate men to the Debt Settlement Boards of Chandibarpur Union Board and Singia Union Board, police-station Narail, district Jessore, in preference to graduate and undergraduate candidates?

(*b*) Will the Hon'ble Minister be pleased to state—

(*i*) the qualifications of the present nominated members of the Chandibarpur and Singia Debt Settlement Boards, police-station Narail, district Jessore;

(*ii*) whether any enquiry was made prior to the nominations about their character and qualification; and

(*iii*) if so, by whom it was done and when?

(*c*) If the answer to (*b*) (*ii*) is in the negative, will the Hon'ble Minister be pleased to state the reasons therefor?

**The Hon'ble Mr. MUKUNDA BEHARY MULLICK:** (*a*) No.

(*b*) (*i*) The members are all appointed under section 3 (*2*) of the Bengal Agricultural Debtors Act. The qualifications for such members are that they have influence over the people of the locality and that they are willing to undertake this responsibility. Care is also taken to see that there are representatives of the debtors and creditors on these Boards.

(*ii*) Yes.

(*iii*) Local officers.

(*c*) Does not arise.

**Mr. ATUL CHANDRA SEN:** Will the Hon'ble Minister be pleased to state whether in the matter of these appointments applications were invited by Government?

**The Hon'ble Mr. MUKUNDA BEHARY MULLICK:** No, Sir.

**Mr. ATUL CHANDRA SEN:** Will the Hon'ble Minister be pleased to state if Government tried to ascertain whether more educated people than those who were appointed were available in the locality?

**The Hon'ble Mr. MUKUNDA BEHARY MULLICK:** Government always try to appoint the best persons available in the locality for discharging the responsibilities of their membership on an honorary basis.

**Mr. P. BANERJI:** Is such an appointment made with the approval of the Hon'ble Minister?

**The Hon'ble Mr. MUKUNDA BEHARY MULLICK:** Under the Act, the power of making these appointments has been delegated to the Commissioners.

**Excavation of certain khals in Chittagong district.**

**31. Maulana MD. MANIRUZZAMAN ISLAMABADI:** (*a*) Will the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department be pleased to state whether the excavating works of the following *khals* of Chittagong have been taken up:—

(1) Hungar *khal* of Satkania,
(2) Bairguni *khal* of Patiya,
(3) Dom Khali of Patiya,
(4) Karenja *khal* of Patiya, and
(5) Garuluta of Patiya?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state how far the works of the aforesaid *khals* are in progress?

**The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar:** (*a*) No.

(*b*) Does not arise.

**Sale of quinine and cinchona to local bodies.**

**32. Mr. TARAK NATH MUKERJEA:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*i*) the total amount spent for the free distribution of quinine in the Province from 1935-36 to 1939-40 and in 1940-41;
(*ii*) the total quantity of quinine distributed during these years;
(*iii*) what was the price of quinine and cinchona per pound in 1938; and
(*iv*) what are the present prices of the same?

(*b*) Is it a fact—

(*i*) that now quinine and cinchona are supplied to local bodies like the District Boards and Municipalities, on cash sale, on a certain fixed proportion; and
(*ii*) that the local bodies are forced to purchase Government quinine and cinchona according to that fixed proportion and not according to their respective requirements?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the Government contemplate the abolition of the restriction?

**The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:**

| | | Rs. |
|---|---|---|
| (*a*) (*i*) From 1935-36 to 1939-40 | ... | 13,00,000 |
| 1940-41 | ... | 5,00,000 |

(*ii*) to (*iv*) Statements showing the required figures are laid on the table.

(*b*) (*i*) Yes. Cinchona febrifuge is supplied against quinine in the proportion of 1:1.

(*ii*) Quinine may be purchased without any restriction but a proportion is imposed as regards cinchona febrifuge.

(*c*) The stock position of cinchona febrifuge has not yet improved and accordingly Government are not contemplating the abolition or modification of the restriction. Besides, cinchona bark yields a limited amount of cinchona febrifuge as compared with quinine sulphate.

*Statement referred to in the reply to clause (a) (ii) of unstarred question No. 32.*

| | Quinine sulphate powder. (lbs.) | Quinine tablets. (lbs.) | Quinine treatment (boxes). | Cinchona powder. (lbs.) | Cinchona tablets. (lbs.) |
|---|---|---|---|---|---|
| Total quanity of quinine distributed by the Public Health Department during the years 1935-36 to 1940-41 (up to November, 1940). | 31,119 | 21,551 | 5 (12 oz.) | 36,466 | 17,777 |

*Statement referred to in the reply to clauses (a) (iii) and (iv) of unstarred question No. 32.*

PRICE OF QUININE AND CINCHONA IN 1940.

| | *Quinine sulphate. | †Cinchona febrifuge powder. | †Cinchona febrifuge tablets. |
|---|---|---|---|
| | Rs. | Rs. | Rs. |
| For 60 lbs. and upwards at a time per lb. .. | 18 | 9 | 10 |
| For 6 lbs. and over but less than 60 lbs. at a time per lb. .. | 19 | 9 | 10 |
| For any quantity less than 6 lbs. per lb. .. | 20 | 10 | 11 |
| Crude quinine sulphate powder—Rs.14 per lb. | | | |
| Crude quinine sulphate tablets—Rs.12-8 per lb. | | | |

*Quinine sulphate is sold to Government departments, local authorities, hospitals, dispensaries, missionaries and railways in the Bengal area of distribution at Rs.18 per lb. irrespective of quantity.

†Supply of cinchona febrifuge to all authorised indentors as mentioned above is rationed in the proportion of 1½ of cinchona febrifuge to 1 of quinine sulphate at their existing prescribed prices.

PRICE OF QUININE AND CINCHONA IN 1940.

| | *Quinine sulphate. | †Cinchona febrifuge powder. | †Cinchona febrifuge tablets. |
|---|---|---|---|
| | Rs. | Rs. | Rs. |
| For 60 lbs. and upwards at a time per lb. .. | 24 | 12 | 13 |
| For 6 lbs. and over but less than 60 lbs. at a time per lb. .. | 25 | 12 | 13 |
| For any quantity less than 6 lbs. per lb. .. | 26 | 13 | 14 |

*Quinine sulphate powder is supplied to hospitals and dispensaries, missionaries, railways, Police, Jails, Forests, Public Works Departments, Irrigation and other departmental hospitals and dispensaries in Bengal at the concession rate of Rs.24 per lb. irrespective of quantities.

†Cinchona febrifuge is for sale to Government charitable institutions, local bodies, missionaries and railways only. It is not for sale to private firms or the general public. Supply of cinchona febrifuge in powder or tablet to all authorised indentors as mentioned above is rationed in the proportion of 1 of cinchona febrifuge to 1 of quinine sulphate in powder or tablet at their existing prescribed prices. General public and firms are not supplied with any cinchona products by the Jail Department.

**Mr. SURENDRA NATH BISWAS:** Will the Hon'ble Minister be pleased to state if Government consider the desirability of increasing the grant for the free distribution of quinine all over the province?

**The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:** Government have considered this question, and if the honourable member will wait till the budget is presented, he will find that we have fully considered the matter

**Mr. SYED JALALUDDIN HASHEMY:** With reference to answer (*b*) (*i*), will the Hon'ble Minister be pleased to state what is the proportion that has been imposed on cinchona febrifuge?

**The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:** If the honourable member will only look up answer (*b*) (*i*), he will find the reply there.

**Malaria epidemic in Jessore district.**

**33. Mr. RASIK LAL BISWAS:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether there has been malaria in epidemic form in some parts of the district of Jessore?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(i) the actions taken by the Government to save the people of those places from this epidemic;

(*ii*) the number of deaths from malaria in different thanas of Jhenida and Magura subdivisions of the district of Jessore, thana by thana, in the months of October, November and December of 1940;

(*iii*) whether the situation has come down to normal state; and

(*iv*) the cause of this epidemic this year?

**The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:** (*a*) Yes.

(*b*) (*i*) Government appointed four Medical Licentiates in September, 1940, and retained three of these epidemic doctors till January. Seven Medical Licentiates for a period of one month were also appointed for malaria duty in the affected areas in January, 1941. A grant of Rs.5,000 was made by Government for cinchona products to be distributed through the Public Health Department of the District Board and Rs.6,000 through the hospitals and dispensaries. Cinchona worth Rs.1,800 was also distributed through the District Magistrate. A further grant of 100 lbs. of cinchona febrifuge powder worth Rs.1,200 was sanctioned on the request of the District Board.

(*ii*) A statement is laid on the table.

(*iii*) The situation is reported to have improved considerably, but the incidence of malaria is still higher than in normal years.

(*iv*) Scarcity of rains and consequent lack of normal flood which flushes the district in ordinary years.

*Statement referred to in the reply to clause (b)(ii) of unstarred question No. 33.*

| Thana. | September. | October. | November. | December, 1940. |
|---|---|---|---|---|
| Jhenida .. | 170 | 185 | 321 | Not yet received. |
| Kaliganj .. | 150 | 232 | 178 | Do. |
| Kotchandpur .. | 43 | 107 | 147 | Do. |
| Sailkupa .. | 202 | 283 | 348 | Do. |
| Harinakundu .. | 146 | 244 | 225 | Do. |
| Magura .. | 164 | 174 | 336 | 706 |
| Sreepur .. | 89 | 163 | 329 | 695 |
| Salikha .. | 131 | 122 | 186 | 383 |
| Muhammadpur .. | 76 | 86 | 196 | 456 |

**Outstanding questions.**

**Mr. SASANKA SEKHAR SANYAL:** Sir, I would request that the starred questions held over need not be taken up to-day in view of the impending budget discussion.

**Mr. SPEAKER:** I have no objection.

**Adjournment motion.**

**Mr. SYED JALALUDDIN HASHEMY:** Sir, I have got an adjournment motion to which I have got your consent.

**Mr. SPEAKER:** Unfortunately, Mr. Hashemy, you know that this matter can be considered only after the budget discussion is over.

**Mr. SYED JALALUDDIN HASHEMY:** In this connection may I refer to the proceedings of this House of the 16th August, 1937, in which your good self very kindly allowed one adjournment motion couched in the very self-same language as this one.

**Mr. SPEAKER:** Yes, I did admit that, but I must confess that day by day everyone is growing wiser, and I am now better informed. I did not quite know fully the law and convention on the subject. I have already made it clear that the word "situation" is vague. I have found that in parliamentary legislation the word "situation" has no clear meaning. I have made a statement yesterday, and I am again making it to-day that while I did admit an identical motion in the past I found out later that that was not correctly done.

**Mr. SYED JALALUDDIN HASHEMY:** But, Sir, we expected an answer to the short-notice question, but no reply has been given.

**Mr. SPEAKER:** Mr. Hashemy, I am not saying anything about this adjournment motion to-day, because so far as the consideration of the business of the day is concerned, it cannot be obstructed by any motion for adjournment. You may bring up your motion as soon as the budget is over.

# Supplementary Estimate for the year 1940-41.

## DEMAND FOR GRANTS.

### 7—Land Revenue.

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** Sir, on the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 1,40,000 be granted for expenditure under the head "7—Land Revenue" during the current year.

**Mr. SYED JALALUDDIN HASHEMY:** May I, Sir, submit that you will be pleased to allow some time for a general discussion on this supplementary budget? In this connection I would refer to rule 108 of the Bengal Legislative Assembly Procedure Rules which says that the Speaker may, if he thinks fit, prescribe a time-limit for speeches at the general discussion of the budget or supplementary statements of expenditure and at the voting of demands, supplementary demands or excess demands. I submit, therefore, that we are entitled to have a general discussion before proceeding with the estimates, item by item.

**Mr. SPEAKER:** But the power is given to the Speaker to fix a time-limit for such discussion.

**Mr. NIHARENDU DUTTA MAZUMDAR:** Sir, the request is for having a general discussion.

**Mr. SPEAKER:** If it is the desire of the House, I can fix the first one hour for a discussion of all the demands generally, but I might draw the attention of the House to the fact that this general discussion should be confined only to the specific issues raised in the demands under consideration.

**Mr. SYED JALALUDDIN HASHEMY:** Our prayer is that in view of the importance of the supplementary demands that are going to be made, you will fix the time-limit at two hours instead of one, and then take up the demands, item by item, to-morrow. However, Sir, we can now begin the general discussion.

**Mr. SPEAKER:** I think it will not be possible to extend the period for general discussion to more than one hour, and therefore I fix the time for each speaker at ten minutes.

**Mr. SYED JALALUDDIN HASHEMY:** Sir, I hope as the first speaker on general discussion you will allow me more time.

**Mr. NIHARENDU DUTTA MAZUMDAR:** Sir, in consideration of the fact that due to Mr. Hashemy's vigilance we have got this opportunity of having a general discussion, it would be proper if you would give him 15 minutes at least.

**Mr. SPEAKER:** All right. I shall give 15 minutes to Mr. Hashemy and 10 minutes to every other speaker.

**Mr. SYED JALALUDDIN HASHEMY:** Sir, in rising to discuss the supplementary estimates of expenditure I do not hope that I will be able to create any impression on the mind of the Hon'ble the Finance Minister, nor do I hope that the members opposite and the members of the Coalition Party will be moved at all by my speech. But, Sir, I am in duty bound to expose the hollowness of the Government in asking for excess demands for the administration of this province. It reminds me, Sir, of the procedure generally adopted by the big contractors of the Calcutta Corporation. They quote uneconomic rates so that their tender might be the lowest tender, but once the tender is accepted, by ingenuity, by skilfulness and by negotiations with the authorities they get extra work, and they get other works which are not in the tender itself. Such is the case with the Government of Bengal. The Government of Bengal came forward with a clean budget. We approved the budget, but, Sir, at the fag end of the year Government has come forward with some excess demands to the extent of about two crores of rupees. I will ask the Hon'ble the Finance Minister to take note. Sir, in reply to a Starred Question, No. 10, on 3rd February, 1941, he said very clearly that the Government of Bengal have not contributed nor are they at present considering any proposal to contribute any sum out of provincial revenues towards the prosecution of the war or the defence of India. That is the answer we got from the Hon'ble the Finance Minister only three or four days ago.

Now, let us scrutinise the various items of demands one by one. Let me begin, Sir, with Grant No. 16—Police. Sir, I refer to the Explanatory Memorandum of the Hon'ble the Finance Minister in which in one place—5. C-2—he says, "On the assumption that the charge on this account would be recovered from the Government of India, provision for this staff was made in the current year's budget under '63—Extraordinary Charges in India'." The Hon'ble Finance Minister proceeds and says, "It now appears that as the staff is primarily employed on maintenance of law and order in the province, the Centre is unable to accept any liability for it." Sir, they have appointed a staff which is called "Range Reserve" in different divisions of Bengal in which they have appointed several Inspectors and Sub-Inspectors,

constables and unarmed constables, and they demand about Rs. 1,25,000 for the purpose. May I ask the Hon'ble the Finance Minister whether this amount will ultimately go towards the prosecution of the war? (The Hon'ble Mr. H. S. SUHRAWARDY: No.) If not, I will show to the entire satisfaction of the House that they have appointed another staff called "Intelligence Branch," and they demand an amount of another lakh and several thousand rupees. I quote the very words that have been given in the Explanatory Memorandum: "The demand under these heads is in respect of a temporary Range Reserve consisting of 5 Inspectors, 25 Sub-Inspectors, 95 head constables and 1,500 unarmed constables for the maintenance of law and order during the continuance of the war." I ask the Hon'ble the Finance Minister, can he cite a single instance in which any internal trouble due to this war has happened in any district in Bengal?

Then, Sir, he says another "staff of 1 Deputy Superintendent, 2 Inspectors, 32 Sub-Inspectors, 5 Assistant Sub-Inspectors, 220 watcher constables and 38 constables was entertained shortly after the outbreak of the war in order to enforce stricter watch over subversive activities." I ask the Hon'ble the Finance Minister, can he prove, can he show a single instance of subversive activities in Bengal from the beginning to this time of the war that is going on in Europe. But, Sir, the words "subversive activities" are very vague and elastic. Only the other day, in reply to a supplementary question which I put direct to the Finance Minister, he in his usual taunting tone said that he had not got that distressing news. I ask him to enquire about the fire that is breaking out in jute mills in Calcutta every day and more or less 15 jute mills have already been burnt—I do not know by whom. (The Hon'ble Mr. H. S. SUHRAWARDY: Fifteen jute mills?) Yes, 15 jute mills. (The Hon'ble Mr. H. S. SUHRAWARDY: Mr. Walker, will you please contradict?) I do not say that it has been done by the Jute Mills Association or by the Balers' Association or by the people connected with the jute trade and industry in Calcutta. Government wants a special Intelligence Branch and also they demand about Rs. 46,000 for Tear Smoke Squads. Sir, are we going to grant this amount in order that Tear Smoke Squads will be applied to the innocent citizens of Calcutta, particularly the Muslim citizens of Calcutta? Only the other day this Police Force of Calcutta used this tear bomb on the innocent Muslims of Calcutta, and the Hon'ble the Finance Minister has come forward with a demand that this item represents the cost of equipment and training of three additional Tear Smoke Squads in the Bengal Police the formation of which was undertaken after the budget had been passed. Certainly we are not going to sanction this amount which the Ministers will apply for their own purpose to persons who are not at all guilty. These Tear Smoke Squads will not be applied only to the guilty, but they will be applied on the people of this city or of this province.

The Hon'ble Minister said that no money has been spent for war. May I come to grant No. 21—Medical? I will ask for a reply when he gives his reply. He says, "Owing to the reversion of I.M.S. officers to the Military Department on account of the war, posts reserved for I.M.S. officers had to be filled by voted officers." Why this unnecessary expenditure? Why did you appoint these officers without taking the sanction of the House? Sir, I submit these are all post-mortem matters. We have got nothing to do with these things.

Now, I come to Agriculture—Grant No. 23—Purchase of jute. Rs. 29,25,000 have been spent for purchasing 48,348 pucca bales of jute of "L.J.A. First marks." This money has already been spent and now the Hon'ble Minister comes forward for taking sanction of this money. So, it is a *post-mortem* matter.

I come to the jute restriction matters in which the Hon'ble the Finance Minister demands Rs. 11,93,000 plus Rs. 10,76,000 for expenditure in connection with jute registration operation undertaken in 1939-40 and expenditure for jute registration in the current year. Sir, in the Explanatory Memorandum he has suggested that "Under this head is shown the estimated cost of regulation and licensing of the growing of jute in the current year in terms of the Bengal Jute Regulation Act, 1940." This amount has already been spent. Sir, every member of the Coalition Party knows and knows very well that the record that has been prepared of lands on which jute is grown is hopelessly absurd and scandalous. The employees employed by Government temporarily did not care to go to any land or to measure any land generally. They have made these records in such a way that I can only characterise them as worse records than those which were used to be prepared by the Union Board Presidents under the agencies of the chaukidars of villages. Sir, I can say from my personal experience of my district in Khulna that the record that has been prepared is not only wrong and inaccurate, but it is absolutely scandalous. I assure the Hon'ble the Chief Minister and ask him to believe at least for one day that these temporary officers are corrupt to the extreme. They are taking money as bribe from the poor agriculturists. If he does not believe my statement, I ask him to enquire of the members of the Coalition Party whether corruption and jobbery and bribe-taking are rampant in the province or not. Particularly members representing East Bengal and North Bengal will testify to the statement which I am making here, Sir.

Again, Sir, coming now to Grant No. 5—Forest, we find another glaring instance. The additional demand under the first head is due to the removal of departmental timber to fulfil the order received from the Supply Department of the Government of India. Why are you going to incur this expense? Why was the Government of India which

was taking the timber for the purpose of war not asked to bear this expenditure? What business have you to spend this money unauthorised for the benefit of the Government of India?

With regard to Grant No. 15—Dietary charges of prisoners—it is absolutely hopeless to suggest that the quality of diet has been improved in jails. I can say from my personal knowledge and the members who are here and who are touring as members of the Jail Committee will testify to the fact that no improvement has been effected in the diet of prisoners, but the Hon'ble Minister wants Rs. 5,000 plus Rs. 71,000 plus Rs. 28,000 for dietary expenses of the prisoners. The amount that was estimated for expenditure, as I have already said, has been spent—I refer to the items that are voted. Now, we have no hand in respect of items that are charged, particularly the travelling allowances of the Hon'ble Ministers. Here, Sir, there is another item of Rs. 24,000 for the touring expenses of Ministers. We know the business they do when they are on tour. They go out on tour for canvassing for their own nominees either in the elections of District Boards or in the by-elections of members to this Legislature. We are not going, in any circumstances, to sanction the expenses incurred by the Ministers for their tours. but, Sir, our hands are tied. This item is charged on the revenues and not voted.

(The member, having reached the time-limit, resumed his seat.)

**Mr. SATYAPRIYA BANERJEE:** Mr. Speaker, Sir, it has been the accepted principle regarding supplementary demands that only those items are included in them which could not have been reasonably anticipated and, therefore, not included at the time of the annual budget. But, Sir, I regret to have to remark that most of the items included in the supplementary estimate have been put in because it was the deliberate intention of the Minister in charge to stifle, to avoid, to evade and escape criticism and discussion that are only possible at the time of the annual budget. Sir, when I say this, I do not draw upon my imagination, but I say this because I have facts in my possession which will go conclusively to prove that it is the deliberate attempt of the Minister to avoid and escape discussion. I will not touch on all the items of the supplementary budget demand. I will specially refer to the last demand in the estimate—Loans and advances by the Provincial Government. This demand amounts to Rs. 60 lakhs—a sum which is more than one-third and a little less than half of the total amount of Rs. 1,67,00,000. May I point out to the members of the House that this sum was deliberately withheld, as I am presently showing, from discussion by the Minister in charge. In January, 1940, to be more exact on the 17th January, 1940, there was a conference of the representatives of the Provincial Bank, Central Banks and the department in which the Ministers were also present. The

Hon'ble Chief Minister was there. The Hon'ble Finance Minister was there and the Hon'ble Minister in charge of Co-operation was also there. There this question was discussed and a resolution passed asking the Provincial Bank to approach the Government through the department for short-term loans to the extent of at least Rs. 1 crore. That was in January. On the 15th February, that is the date on which the Hon'ble Finance Minister presented his budget, he said that the Provincial Bank might have to draw upon Government resources and then he would approach the House for a supplementary grant. But I am definitely informed—and the following fact will also corroborate it—that on the 2nd April, 1940, the Cabinet decided to grant this Rs. 60 lakhs. I put in a short-notice question on the 6th April, 1940, to the Hon'ble Minister in charge of Co-operative Credit. The Bengal Legislative Assembly Department very kindly sent it to the department concerned and, as is his wont, the Hon'ble Mr. Mullick curtly disallowed the short-notice question, fearing certainly the volleys of supplementaries that might bomb him from right and left, front and behind. (MR. JOGESH CHANDRA GUPTA: Not behind!) All right, if it is the desire of you all, let his "behind" be spared.

That is the situation, and what has been the result? The result is that Government have granted on the 2nd April, 1940, a sum which could have been certainly discussed on the 27th and 29th March, 1940, when the demands for "Co-operation" and "Loans and Advances" by Provincial Government were passed respectively. Only three days intervened and it suddenly dawned upon the Government that without this 60 lakhs the ill-fed, half-starved, chronic poverty-stricken cultivators could not be saved. A bird, Sir, whispers in my ears that this huge sum has been advanced ostensibly for the interests of the cultivators, but really for personal and party considerations at the next general election. Let there be no misconception about my attitude. I do not grudge this 60 lakhs being granted to the cultivators. On the contrary, I welcome any amount that may be given to them. But the process, the manner, the channel and the agency through which this money has to be given should have been properly selected. It is unfortunate that the Bengal Provincial Co-operative Bank has been selected. Who does not know, as the balance sheets, will unmistakably show that this bank has been utterly mismanaged for the last 8 years? Who does not know that this bank as it is at present managed, or rather mismanaged, is unfitted to cater to the needs of the cultivators? Who does not know the stories of nepotism, corruption and bribery that have been frequently reported in the Press about this bank? Who does not know, I won't mention names, that some directors having knowledge of the innermost condition and working of the bank have withdrawn their fixed deposits from the bank. Who does not know that even after repeated

requests the large urban co-operative banks in Calcutta have not thought fit to deposit their huge surplus in the bank? All this, Sir, is common knowledge. Money is advanced by the Provincial Bank to the Central Banks and these Central Banks sometimes make preferential treatment to certain depositors by paying them without advancing the amounts to the cultivators. I know a case in which a near relation of the Minister in charge has got during the last three years from a Central Bank in Dinajpur the entire amount of his deposit, viz., Rs. 10,000, while the other poor depositors have got very little or nothing. Is that the way in which you are going to benefit the cultivators? I pause for a reply from the Hon'ble the Minister in charge of Co-operation.

Then, Sir, the cultivators will suffer because in the process of circulation from the Provincial Bank to the cultivators the rate of interest that will ultimately be borne by them will be considerably higher than if the payment had been made directly by the Government through their officers to the cultivators and it is clear that the interests of the cultivators will be adversely affected thereby. Sir, this has also got to be borne in mind that the normal activities of the Co-operative Banks will suffer as they have actually suffered when all the activities are confined, as they now really are, to the realisation of these loans only. May I, Sir, in this connection refer to the remarks which the Hon'ble the Chief Minister made on the 13th April, 1940, in Mymensingh, remarks which go to corroborate my point of view. He said as follows: At the present moment he (meaning thereby the Chief Minister) was more concerned about the realisation of Rs. 60 lakhs which the Government had decided to grant to the cultivators as crop loans. That was reported by the Associated Press in the *Statesman* of April 16th, 1940. And they have come to-day at the fag end of the current financial year with this demand. Is this not preposterous?

Then, Sir, the piecemeal loans to the cultivators will not save them from ruin that threatens them. The Government, if they really mean anything, ought to have a comprehensive scheme for rehabilitation of the co-operative movement which, in fact, comprises the whole of the rural life in Bengal. A piecemeal solution, granting 60 lakhs to-day, 20 lakhs to-morrow and another 40 lakhs the day after, will not solve the problem, on the contrary will complicate it all the more. Have a scheme, have a comprehensive scheme, and then implement that scheme with all the resources that you can find and you will have our whole-hearted and full co-operation in the matter.

**Mr. JOGESH CHANDRA GUPTA:** Mr. Speaker, Sir, I will not go into the details of the demands, but I propose to offer only a few general remarks. We have been in the past accustomed to a demand

for supplementary estimates, not on the eve of a budget estimate but always beforehand, on account of items which could not be foreseen in the regular Budget Session. But the urgency and the need for these supplementary estimates, when the regular budget estimates are going to be presented in less than a fortnight's time, appears, to be supplied by the Hon'ble the Finance Minister himself. Here again, Sir, we find that the Hon'ble Minister was confronted with a very difficult situation. Here again some members, not unimportant members, Sir Henry Birkmyre and others, had indicated that the Sales Tax Bill could not be justified without establishing a deficit in the budget. The opposition of Sir Henry Birkmyre and his group is a stumbling block in the way of the ministry functioning in this province, and therefore we find that the Hon'ble the Finance Minister came out with the statement that when the Bengal Finance (Sales Tax) Bill was first under the consideration of the Assembly; more than one speaker expressed the desire that Government should furnish the House with later information regarding the financial position than what was available at the time, and I undertook to see that the revised estimates for the current financial year were made available to members, obviously to the 30 members of the European Group, before they are called upon to consider the Bill. These supplementary estimates have furnished an opportunity to the Leader of the European Group to withdraw from the position that he took up before and to help the Hon'ble the Finance Minister, but not before making a little bargain over the Motor Spirit Sales Taxation Bill and the Bengal Finance (Sales Tax) Bill. I really congratulate those motor spirit importers who have escaped taxation in respect of their own consumption. I do not grudge them that. I only wanted along with them the poor masses also should have got the concessions at the hands of the Minister.

Now, Sir, if we examine some of the items, we find that the Government was faced with another difficulty. We knew all this time that the Government before incurring any new expenditure either obtains the vote of this House or if it incurs any expenditure on behalf of another makes it sure that that party is going to pay. But we also find here that the Hon'ble Minister in the matter of distributing money from the coffers of the Bengal Government does not take the ordinary precaution either by obtaining the sanction of this House beforehand or by making sure that the party on whose behalf he incurs the expenditure is a party who will certainly pay. The Hon'ble Minister has obliged the Government of India by incurring an additional expenditure, I find, to the extent of Rs. 51,000 under one item and under another item—Civic Guard—Rs. 48,000. But now we are told that they expected that the Government of India would pay, but they are not now going to pay more than one-third. Sir, may I be excused if I give this House a little bit of my personal experience

about these valuable members of the civic guard. I was called upon to defend a case in which a man was murdered. The man was murdered——

**Mr. SPEAKER:** You are proceeding too far! (Laughter.)

**Mr. JOGESH CHANDRA GUPTA:** The man was murdered just by the side of the house of a person who was a member of the civic guard. Now, Sir, when he came up to give evidence, he said that he was sitting in his room and the alleged murder took place within 5 or 6 cubits of the place where he was sitting. The alleged murderers, after murdering the man, went through the courtyard, and he was at that time sitting on his chair within the room. When asked whether he cried out for the arrest of the men or whether he himself moved out of his chair in that room he said: "I did nothing of the kind. I remained there until the two alleged murderers had run away and did not go out of that room for about 5 or 10 minutes." (The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Perhaps he was sleeping.) No, he was not sleeping. He was wide awake. He said that he himself saw and recognised the men, but he did not stir out of his room. So, Sir, this is the specimen of the civic guard for whose payment the poor tax-payers of Bengal must, whether they can bear the tax or not, submit.

Then I will come to the question of preparation of the record of jute lands. Sir, from our side we have always suggested: "You need not incur a heavy expenditure for the preparation of the record of jute lands." I will give this credit to the ministry, that possibly they did not appreciate the suggestions made from this side of the House in their utmost anxiety to solve the question of unemployment, and that is why hurriendly three to four thousand persons were recruited and employed. Of course, while solving the question of unemployment, it is a well-known fact that the question of unemployment was solved only of persons who are admirers or dependents or hangers-on of the Ministers. The Ministers, while trying to provide 50 per cent. employment to the Muslim community, gave 100 per cent. only to the admirers and hangers-on of the Ministers. Be that as it may, one can easily understand that some persons, without any previous knowledge either of the locality or of the system that obtains in a particular locality after going to a strange land with the limited knowledge that they have, cannot be expected to do more than what they have done, *i.e.*, recording lands which are inaccurate even so far as the names of the owners are concerned as well as the area concerned. Lands which do not grow jute have been shown as lands growing jute, whereas lands which have been growing jute only and on which no other substitute crop can be raised have been omitted from the record.

Sir, all this expenditure and incorrect recording could have been avoided if the Ministers had used the machinery of the local union boards and union committees and had sent respectable officers to go and check the records that they had prepared. A notification that if a false record is made or any false application is made, they will be visited with punishment would have secured correct record. But in their anxiety to find employment for some of their creatures the ministry never considered that aspect of the question. The result is that we are now faced with an additional expenditure of about two lakhs and 53 thousand rupees if I am correct, *i.e.*, more than half of which could have been easily saved. I say, Sir, that the supplementary estimate which has been brought before this House is really intended to be a justification of the additional taxation that this province will have to bear and the expenditure that has been incurred was without any sanction, without any forethought, and very carelessly incurred.

**Mr. RASIK LAL BISWAS :** সভাপতি মহাশয়, Supplementary Budgetএ প্রায় পৌণে দুই কোটি টাকার বরাদ্দ গভর্ণমেণ্ট পাশ করতে চেয়েছেন। এর মধ্যে প্রয়োজনীয় বিষয় অনেক আছে যা আমাদের সমর্থন করা উচিত। কিন্তু এর মধ্যে কতকগুলি বিষয় আছে যা আমাদের পক্ষে দুর্বোধ্য হয়েছে, আর কতকগুলি বিষয় আছে যার সংশোধন হলেই ভাল হ'ত। পুলিশের জন্য কিছু টাকার ব্যবস্থা হয়েছে। এখন war situation যেভাবে ক্রমে ক্রমে ঘনিয়ে আসছে তাতে এবিষয়ে টাকার বরাদ্দ থাকাতে দেশের জনসাধারণের বিপদের সময় সাহায্য হবে, এবং যখন এদেশবাসীরা ঠেকায় পড়বেন তখন বুঝতে পারবেন এই টাকাটা কেন বরাদ্দ করা হয়েছিল। একটা মোটা বরাদ্দ Agricultural Headএ পাটের জমির record তৈরী করবার জন্য ধরা হয়েছে। ইহার কতক টাকা অভিজ্ঞতার অভাবে অপব্যয় হয়েছে এবং পাট কেনার জন্য বহু লক্ষ টাকা অভিজ্ঞতার অভাবের জন্য অপব্যয় হয়েছে। কিন্তু, এই সকল ব্যয়ে গভর্ণমেণ্টের উদ্দেশ্য খারাপ ছিল না। এই টাকা দিয়ে জনসাধারণের উপকার হবে বলে মনে করেছিলেন, কিন্তু, পাকে-চক্রে সময়ের দোষে এবং নানা অনিবার্য্য কারণে আশানুরূপ ফল সেই টাকায় পাওয়া যায় নাই। এ টাকাও আমাদের পাশ করে দেওয়া উচিত। কিন্তু, একটা কথা বুঝতে পারছি না। গত sessionএ আমাদের এই Houseএ সকলের অনুমোদন নিয়ে—Opposition, Coalition, এমন কি European—সকলে একমত হয়ে Schedule Casteএর Educationএর জন্য, প্রতিবৎসর দশ লক্ষ টাকা বরাদ্দ ও খরচ করার প্রস্তাব পাশ করা হয়েছিল। সেটা বর্ত্তমান বৎসরের জন্যও দেওয়ার কথা ছিল, গভর্ণমেণ্টও যত টাকা প্রয়োজন তাহা দিবেন প্রতিশ্রুতি দিয়েছিলেন। কিন্তু, এ Supplementary Budgetএ সেই টাকার কোন বরাদ্দ হয় নাই দেখে বড়ই আশ্চর্য্যান্বিত হচ্ছি।

**Mr. SPEAKER:** I am sorry, Mr. Biswas. That is not the subject-matter of discussion to-day. There is no demand in which the Scheduled

Castes' education comes in and, therefore, the omission of Government is an act which can justly come in at the time of the general discussion of the budget and not now.

**Mr. RASIK LAL BISWAS :** আশা করি গভর্ণমেণ্ট বুঝিয়ে দেবেন কি জন্য scheme গ্রহণ করেও টাকার বরাদ্দ করা অসুবিধা হয়েছে। এই জন্য অনেক scheme প্রস্তুত করা হয়েছিল এবং পাঁচ লাখ টাকা গভর্ণমেণ্ট মঞ্জুরও করেছিলেন। সেই টাকাটা খরচ হয়ে গিয়েছে। এই বৎসরেও ছেলেদের বৃত্তি দেওয়া যাচ্ছে না।

**Mr. SPEAKER:** Order, order. Mr. Biswas, I do not know whether you are short of hearing. Did you not hear me? (Laughter.) I said clearly that this is not a subject-matter in which you can castigate the ministry to-day. You can do it during the general discussion of the budget and therefore you cannot refer to it now.

**Mr. MONMOHAN DAS:** He is doing it simply for the purpose of demonstrating his sympathy for the Scheduled Castes. He is throwing dust on the electorate.

**Mr. RASIK LAL BISWAS :** আচ্ছা থাক, আমি আর বলছি না।

**Maulvi ABU HOSSAIN SARKAR:** More than once I have described that the supplementary demand is a peaceful penetration into the Government treasury. Still, the Finance Ministers of the Government of Bengal have the chronic habit of producing supplementary demands one after another every year.

**The Hon'ble Mr. H. S. SUHRAWARDY:** This is the first supplementary demand that I have made.

**Maulvi ABU HOSSAIN SARKAR:** I said, "Finance Ministers of the Government of Bengal." This shows the ignorance and the total ignorance of the financial condition and the financial affairs of the Government of the present Finance Minister. However, Sir, I am confining my criticism of the present supplementary demand to one point only, namely, the Police grant.

**The Hon'ble Mr. H. S. SUHRAWARDY:** What grant—"Poleesh" grant!

**Maulvi ABU HOSSAIN SARKAR:** I am not calling you foolish.

**Mr. JOGESH CHANDRA GUPTA:** He has not come from England.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Neither have I.

**Mr. SARAT CHANDRA BOSE:** Nor does he come from Midnapore.

**The Hon'ble Mr. H. S. SUHRAWARDY:** That is his misfortune.

**Maulvi ABU HOSSAIN SARKAR:** A sum of Rs. 5,82,000 has been asked for by the Hon'ble Finance Minister under this head.

(There were disturbances from all sides of the House.)

**Mr. SPEAKER:** I am afraid there are too many members indulging in cross-talks. If they want to do so, they may go out.

**Maulvi ABU HOSSAIN SARKAR:** I say that not a single farthing of this amount should be granted. The police force is being used by the present ministry in order to suppress public opinion and, in some other cases, to oppress the public, the Muslim public of Bengal. Very recently the police has been used in a way which can be termed objectionable by any decent man in the Rajabazar area in this city of Calcutta. What are the facts? On the Muharram day last Saturady, some people cut the wires of the Tramway Company with their consent, and that also most peacefully, as the religious procession of a section of Muhammadans was obstructed by the overhead wires of the tramway line. It is within the common knowledge of the people of this province that this city of Calcutta is not being ruled at present by the Commissioner of Police under the Hon'ble Sir Nazimuddin, but by one Mulla Jaun Muhammad, the Khilafat Chief of the Hon'ble Finance Minister. This redoubtable man appeared on the scene and tried to bully the Muhammadans and some mischievous urchins slapped him, as a result of which his spectacles were broken.

**The Hon'ble Mr. H. S. SUHRAWARDY:** This is all false.

**Maulvi ABU HOSSAIN SARKAR:** Therefore, the whole police force was set against the innocent Mussalman public of that area. On Monday in the early hours, at 2 a.m., the whole area was surrounded by the police in the Shahib Bagan area. And what happened? The privacy of the ladies was not respected. The police entered the huts at that hour of the night when people were sleeping, and as I submitted the females were not spared! They were assaulted and they were insulted. The male population, whether innocent or not, were indiscriminately dragged out of their huts where they were resting and taken to the police thana.

**The Hon'ble Mr. H. S. SUHRAWARDY:** All false!

**Maulvi ABU HOSSAIN SARKAR:** That was the position created. If any gentleman now reads the *Azad*, a semi-Government paper, of Monday, he will come to know at least a part of the true state of affairs which happened in that area. The feelings of the Muhammadans were so exasperated that even the popularity of the Hon'ble Chief Minister was challenged, and it was reported that the Chief Minister had to take shelter under cover in that area when he went to visit the place.

**The Hon'ble Mr. A. K. FAZLUL HUQ:** Don't tell lies!

**Maulvi ABU HOSSAIN SARKAR:** Now, Sir, I appeal to the House through you to consider this fact that this grant of Rs. 5 lakhs is for expenditure on the police force which is being used for the personal end of the Hon'ble Mr. Suhrawardy.

**The Hon'ble Mr. H. S. SUHRAWARDY:** There has been no addition to the Calcutta Police.

**Maulvi ABU HOSSAIN SARKAR:** He is trying to create a position for himself in Calcutta. He is trying to monopolise the seats of the Legislature allotted under the Government of India Act for himself and his own men so that to every Government he may be indispensable and with that end in view he is taking money more than once in one year to increase the number of the force and to bully the population. Whenever anybody stands against him, he will send his redoubtable Mulla Jaun Muhammad and the whole police force will back him. Sir, I appeal to all honourable members not to give their consent to this grant in the circumstances. This demand reminds me of the story of the Roman Emperors, some of whom realised from their victims the cost of their kicks. The Roman Emperors used to kick their victims, and from the families of these poor victims they realised the cost of the kicks, that is, the cost of their shoes. The Hon'ble Finance Minister is trying to realise from the public of Bengal the cost of his kicks which they are getting through the police force. Again for the third time I appeal to honourable members to realise the situation. Under such circumstances as I have described, let alone Rs. 5 lakhs, not even a single farthing should be sanctioned.

With these remarks, Mr. Speaker, for the time being I finish my speech.

**Mr. SURENDRA NATH BISWAS:** Mr. Speaker, Sir, to-day I shall confine my speech to the demand under "Agriculture." Under this head I find——

**Mr. SPEAKER:** You may resume your speech after the adjournment for prayer.

(The House was adjourned for 15 minutes.)

*(After adjournment.)*

**Mr. SASANKA SEKHAR SANYAL:** Sir, will you kindly consider the question of extending the time by one day at least, because the subjects raised by means of cut motions are very important?

**Mr. SPEAKER:** I am sorry, it is very difficult for me to extend the time-limit because that is not within my jurisdiction. What I feel is that probably it will suit all sides of the House if you have the discussion finished as soon as possible. I am quite prepared to go on till about 8-30 p.m. in which case you will get about two hours' time.

**Mr. SURENDRA NATH BISWAS:** Mr. Speaker, Sir, I find that under the head "Agriculture" it has been demanded under sub-head "Other charges" that a sum of Rs. 55,35,000 be sanctioned. Sir, out of this sum of Rs. 55,35,000 I find that a sum of Rs. 29,25,000 has been spent on the purchase of jute and a sum of Rs. 25,10,000 has been spent on the preparation of record of jute lands and also for the regulation and licensing of jute. All these expenses have been made apparently in pursuance of the supposed scheme to raise the price of jute. Sir, the object is laudable. The problem of jute is a crying problem, and it has been under discussion for the last ten years. But I find that the policy of this Government with regard to this problem—the problem of raising the price of jute—has always been half-hearted and step-motherly. Sir, if the real intention of Government was to raise the price of jute, they could have prepared a concrete and workable scheme, rather an effective scheme, and should have begun to spend money in execution of that scheme. Sir, mere purchase of a small quantity of jute by Government cannot raise the price of jute, and the purchase by Government of jute worth 29 lakhs of rupees in May, 1940, did not, in fact, raise the price. We all know that this Rs. 29,25,000 was spent for the purchase of old crop of jute in May last at the average price of Rs. 60 per bale when the market price was about Rs. 42. Government then purchased jute at a loss. We were told that Government was offering a higher price as that would raise the price of jute in the market. But, Sir, the price did not rise. Why? The Government should take a lesson from this. The real reason was that the mills did not agree to pay a higher price. The Government ought to know that unless and until the mills are forced to pay a higher price, the Government purchase of jute of any quantity will not be able to raise the price. I submit that that was a wrong policy of Government, and I

would say that it was a half-hearted policy of the Government to purchase a small quantity of old crop for the purpose of raising the price of jute.

Then, Sir, with regard to regulation of jute, I find that a sum of Rs. 25,10,000 has been spent. Not only I but many members of the House have pointed out directly that mere regulation of the production of jute will not raise the price. After all, what is regulation? Regulation means regulation of supply according to the demand. Now, Sir, last year, that is, during the year 1939, the supply was much short of demand, but still the price did not rise. It rose only for the war demand, but ordinarily it did not rise. Everybody knows that the price did not rise up to the middle of September. It rose up from the middle of September on account of war demands. So, Sir, mere regulation of price will not raise the price. This point as to how the price should be raised was a very important matter which was discussed by two successive Jute Committees. The first committee which was called the Finlow Committee, of which you, Sir, were a member, made certain recommendations not only with regard to the regulation of production, but also with regard to the question of marketing and other things. And the Bengal Jute Enquiry Committee of 1938 discussed not only the recommendations of the Finlow Committee, but they made a very critical study of the problem and suggested that nothing but simultaneous provision of three things would raise the price of jute. Of those three provisions, the first and the basic was the regulation of production; the second was—the setting up of an organisation for the sale of the entire output of jute on behalf of the jute-growers under the protection or under the patronage of Government; and the third was—the simultaneous establishment and regulation of markets all over the province with warehouses so that the jute-grower, whenever he needed the sale of his jute, might store it in the bonded warehouse in the regulated market and get some price and thereafter, when the jute crop so stocked would be sold at a high price, he might be paid the balance. But Government appears not to have taken any notice of any of these recommendations. Government has told us that regulation of production alone will raise the price, and they have taken up the work of regulation. But as I shall presently point out, Sir, that regulation of the jute crop for the next year cannot raise the price. The honourable members know that after the consumption of this year's crop during the current jute season, there will be an excess of no less than 60 lakhs of bales, *i.e.*, 3 crore maunds. I am afraid that during the next jute season also the jute mills and shippers will not be able to consume more than 25 to 30 lakhs of bales. So with the quantity of jute already in stock it will be possible to supply the jute mills and the shippers their requirements not only for the next year but also for the year after next. So, any jute which may be produced in the next year, I am

afraid, will be sold for a mere song. Personally speaking, I am in favour of no production in the next year. We, the non-official members of the Jute Advisory Committee, who were in the majority, recommended reduction of production during this coming season to one-fourth, but Government, probably to satisfy the European elements in the industry and trade, raised that one-fourth—they did not accept our recommendation—to one-third. Sir, I have moved about my constituency. The peasants do not say that they do not want regulation. They also now understand that regulation is necessary. But, Sir, what has been done? They have been very seriously affected by the wrong records that have been made. In law there is a provision for registration of jute lands where no crop other than jute is produced. I am sure the Hon'ble Minister will not be able to say that any land has been recorded in any part of this province as showing that thereon no crop other than jute can be grown. Then again, Sir, this land registration has been made upon the basis of settlement records. But what has happened in consequence is that lands which have come into existence after the settlement operations, especially the *char* lands, have not been recorded, although on most of those *char* lands nothing but jute is grown. On the face of it, Sir, the jute land record has been faulty.

Another curious thing which, I think, will be borne out by my friends in this House, has been that the recorders have gone to the villages and have recorded the lands according to settlement plot numbers, but no settlement map has been relayed. What has happened? The recorder has stopped on one plot of land and has asked the people for the number of that plot. Where the number has been correctly supplied, the record has been correctly made, but where the number has been wrongly supplied, the entire record has been wrong. I say this from my personal knowledge. I am also a cultivator. I have got seven plots of jute land in one mauza. The recording of only one plot of those seven plots has been correctly made, while the recording of the other six plots has been absolutely bogus. Such has been the case with almost every jute-grower in this province. The jute-growers have been aggrieved by such wrong record. What they urge upon—I would request the Minister of Agriculture to listen to me—is that this record should not be given effect to during the sowing time of 1942, and that a fresh record should be prepared for that year's regulation through the agency of union boards, according to the suggestion which the Hon'ble Minister himself made at the Conference held in his office where several non-official members including myself were present. Let the union boards make a record without incurring any additional expenditure and let those records be acted upon during the next year. The Hon'ble Minister should make a statement that

no regulation shall be continued upon this wrong and bad record. If the Hon'ble Minister does not agree, I shall vote for refusal of the demand.

**Mr. SPEAKER:** I am afraid the time is over. I am told that there are only four demands on which members would like to raise specific issues. They are "Land Revenue," "Agriculture", "Police" and "Jails." If I allow 25 minutes for each of these demands, it will nearly come up to the time, keeping the rest half an hour for other things. I want to adjust the discussion accordingly. As regards the other demands besides these four, they will have to be guillotined.

**Maulvi ABU HOSSAIN SARKAR:** I think, Sir, 25 minutes for each demand will not be sufficient.

**The Hon'ble Mr. H. S. SUHRAWARDY:** All that could be said has been said by each one of the experts on the other side. For instance, Mr. Abu Hossain Sarkar has criticised the police so vigorously that I do not think that it is necessary for any honourable member——

**Mr. JOGESH CHANDRA GUPTA:** Sir, are we having replies by instalments?

**Mr. SPEAKER:** Order, order. The House will now take up "Land Revenue." Sir Bijoy, will you please move your demand?

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** Sir, I have already moved it.

**Mr. P. BANERJI:** Sir, I beg to move that the demand of Rs. 1,40,000 for expenditure under the head "7—Land Revenue" during the current year be reduced by Rs. 100.

Sir, Government draw a rosy picture at the time when they appoint a committee, but when they are forced into a tight corner, they are unable to do anything tangible for the people of India. This, Sir, is a way to get out of difficulty and to shelve the main issue. This has been the policy of the British Government from the last century beginning from the year 1881 right up to now when there are so many committees. We can understand pure die-hards of bureaucratic days acquainting themselves with the knowledge of the country at the expense of our money, but we fail to understand why this Government should have so many committees. These committees invariably make delay in the publication of their reports. Now there are so many committees like the Rice Committee, the Floud Committee, and these

committees have all submitted their reports. So far as the Floud Committee is concerned, their report consists of two volumes, and we were under the impression that there would be two more volumes, but they have not yet seen the light of the day. After the report of the Floud Committee was published, Government appointed another committee to sit in judgment over that report, but the report of the last mentioned committee has not yet come out. There are also two other committees of which note has been given in the Explantory Memorandum, namely, the Rent Enquiry Committee and the Non-Agricultural Lands Enquiry Committee. At the time when the Non-Agricultural (Temporary Provisions) Bill was passed, the Hon'ble Minister in charge of Land Revenue said that within two years' time he would come up with a comprehensive Bill. Now, Sir, he comes to tell us that this committee should have finished their labours last year, but that they could not finish their labours. No reason whatsoever has been given on that account. The Government have not told us what steps they have taken to expedite action on their recommendations. Therefore, we find that this expenditure is a sheer waste of money.

Now, Sir, if we scrutinise the budget, we find that the revised total receipts are only short of the original budget estimates by Rs. 19·18 lakhs and the total revenue expenditure estimate revised is estimated to be only 31·17 lakhs in excess, in spite of large non-recurring extra expenses under: —

| | Rs. (Lakhs.) |
|---|---|
| Agriculture ... ... | 55·20 |
| Police ... ... | 5·73 |
| Jails ... ... | 2·09 |
| Education ... ... | 6·64 |
| | 69·66 |

totalling Rs. 69·66 lakhs. The revised estimates thus show at most a deterioration of Rs. 50·35 lakhs from the budgetary position, including non-recurring expenses of Rs. 69·66 lakhs, out of which about Rs. 30 lakhs on account of jute purchases and about Rs. 25 lakhs on account of agricultural credit are realisable in the near future.

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** On a point of order, Sir. Are these figures relevant to the demand under "Land Revenue"?

**Mr. P. BANERJI:** In a way I am suggesting that there is no taxation needed for meeting the present position.

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** These remarks may be pertinent to a general discussion.

**Mr. P. BANERJI:** You have misunderstood me thoroughly. All that I want to suggest is that there is no point in having committees and, therefore, we should refuse the grant under this head.

With these words, I commend my motion to the acceptance of the House.

**Maulvi ABU HOSSAIN SARKAR:** Sir, I beg to move that the demand of Rs. 1,40,000 for expenditure under the head "7—Land Revenue" during the current year be reduced by Rs. 100.

I move this cut motion, Sir, only to bring it to the notice of the ministry as well as the members of the House, the danger that is overhanging this province. Three years back a resolution was accepted by this House under which a committee to enquire into the conditions of rents in Bengal was appointed. It was contemplated then that after getting the report of the committee, Government would bring in a legislation to reduce, where possible, the rent of the agriculturists, and during the first amendment of the Bengal Tenancy Act it was enacted that the realisation of the enhanced rent of the tenants of Bengal would be suspended for ten years. If during this period of ten years no legislation be passed to reduce or to do anything in respect of the rent, the accumulated rent of the tenants would be realised at a time because the question of limitation would not arise then. Unless and until the Government speedily get this report and bring forward a legislation, a good number of tenants will be ousted from their holdings.

Then again, Sir, about a year ago we passed a temporary legislation suspending some of the decrees and pending cases against the non-agricultural tenants of Bengal, and it was also expected at that time that immediately after passing that legislation Government would get the report of the committee and bring forward a legislation to meet the requirements of the clamouring non-agricultural tenants. Up to this time Government have not taken any steps. If, during the present regime, Government could not get any legislation whatsoever passed, the next Government coming into power may not take it in the light in which we are thinking now, and the result will be that most of the non-agricultural tenants will be ousted, some from their homestead lands and some from their workshops. So, I submit that the present ministry should, as soon as practicable, get the reports from those

committees and try to bring forward legislations to meet the requirements of the situation. If they do not do that, the tenants of Bengal, both agricultural and non-agricultural, will be ruined in the near future.

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** Sir, I rise to oppose the cut motions. We are aware that there are committees to solve and committees to shelve. But I can assure my honourable friend that this Government up till now have not appointed any committee to shelve. They have appointed committees to solve. They have appointed three committees. One is the Land Revenue Commission, to which a reference was made by my esteemed friend Mr. Banerji. The Commission submitted its report only in April last year. Then, Government appointed an experienced senior member of the Indian Civil Service to go into the report and examine the recommendations and to make his suggestions with reference to the administrative problems that it might give rise to. Sir, we have just received the report of Mr. Gurner on the Land Revenue Commission's report and that report is under examination. Government hope to come to a decision one way or the other before long. So, it is not a fact that Government appointed the Land Revenue Commission to shelve this problem. They are genuinely anxious to solve this problem. It is not a problem to be shelved. But I hope my honourable friends will realise that the issues involved are as big as the nation's life and they cannot be solved overnight.

As regards the other two committees, viz., the Rent Reduction Committee and Non-agricultural Tenancy Committee, the latter I hope is going to submit its report within this month. Sir, to give immediate respite to the tenants of non-agricultural area, Government did pass legislation last year and it is a temporary provisions Bill. We fully appreciate the danger of not undertaking a comprehensive legislation so long as the temporary legislation is on the statute book and I hope that as soon as the report of the committee is received, Government will have it examined and will bring forward legislation at the earliest opportunity. As regards the Rent Reduction Committee, various particulars were asked for by the members of the committee. Moreover, to acquire firsthand knowledge, the members of the committee, after discussion, decided to visit several districts. They visited, so far as I remember, Bakarganj, Mymensingh, Faridpur and Howrah. The committee have not yet finally submitted their report. So it is not entirely the fault of the Government that they have not yet been able to take any step in the matter. Neither do I think that the members of the committee are to be blamed. (Mr. ABU HOSSAIN SARKAR: Then who is to blame?) I would request my honourable friend Mr. Abu Hossain Sarkar to realise that the rate of rent is one of the most difficult problem that any Government may have to face. 'It is not easy to

suggest an *ad hoc* reduction of rent. The fertility of the soil, nearness of market, communication facilities, demand of a particular produce—all these questions have to be considered before the rate of rent can be fixed. So I think that the committee is perfectly justified in going into detail, in taking into consideration the various aspects of the question and in ascertaining information on all these points before coming to a decision, and I do not think the House wants the committee to submit a report without due consideration of the various questions.

Sir, I sincerely hope that before long the committee will come forward with concrete proposals so as to enable Government to undertake legislation also on that point.

With these few words, Sir, I oppose the motions.

The motion of Mr. P. Banerji that the demand of Rs. 1,40,000 for expenditure under the head "Land Revenue" be reduced by Rs. 100 was then put and lost.

The motion of Mr. Abu Hossain Sarkar that the demand of Rs. 1,40,000 for expenditure under the head "7 - Land Revenue" be reduced by Rs. 100 was then put and a division taken with the following result :—

**AYES—45.**

Abdul Wahed, Maulvi.
Abu Hossain Sarkar, Maulvi.
Abul Fazl, Mr. Md.
Asimuddin, Ahmed Mr. M.
Banerji, Mr. P.
Banerji, Mr. Satya Priya.
Barma, Babu Promhari.
Barman, Babu Shyama Prosad.
Bhawmik, Dr. Gobinda Chandra.
Biswas, Babu Lakshmi Narayan.
Biswas, Mr. Surendra Nath.
Bose, Mr. Sarat Chandra.
Chakrabarty, Mr. Jatindra Nath.
Chaudhuri, Rai Harendra Nath.
Das, Mr. Monmohan.
Das Gupta, Babu Khagendra Nath.
Das Gupta, Srijut Narendra Nath.
Dolui, Mr. Harendra Nath.
Dutta Mazumdar, Mr. Niharendu.
Emdadul Haque, Kazi.
Ghose, Mr. Atul Krishna.
Ghuznavi Ahmed, Mr.
Gupta, Mr. Jogesh Chandra.
Gupta, Mr. J. N.
Hasan Ali Chowdhury, Mr. Syed.
Jalan, Mr. I. D.
Jonab Ali Majumdar, Maulvi.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nishitha Nath.
Maji, Mr. Adwaita Kumar.
Majumdar, Mrs. Hemaprova.
Mal, Mr. Iswar Chandra.
Maqbul Hosain, Mr.
Mallick, Srijut Ashutosh.
Nasker, Mr. Hem Chandra.
Roy, Mr. Charu Chandra.
Roy, Mr. Kiran Sankar.
Roy, Mr. Kishori Pati.
Roy, Mr. Manmatha Nath.
Sanyal, Mr. Sasanka Sekhar.
Sen, Mr. Atul Chandra.
Sen-Gupta, Mrs. Nellie.
Singha, Babu Kshetra Nath.
Sinha, Srijut Manindra Bhusan.
Zaman, Mr. A. M. A.

**NOES—104.**

Abdul Aziz, Maulana Md.
Abdul Hafiz, Mr. Mirza.
Abdul Hafiz, Mr. Mia.
Abdul Hakim, Maulvi.
Abdul Hakim Vikrampuri Maulvi Md.
Abdul Hamid, Mr. A. M.
Abdul Jabbar, Maulvi.
Abdul Kader, Mr. (alias Lal Meah).
Abdul Majid, Mr. Syed.
Abdulla-Al Mahmood, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rashid Mahmood, Mr.
Abdur Rasheed, Maulvi Md.
Abdur Rauf, Khan Bahadur Shah.
Abdur Razzak, Maulvi.
Abdus Shahood, Maulvi Md.
Abidur Reza Chowdhury, Khan Bahadur Maulvi.
Abul Hashim, Maulvi.

Abul Hossain Ahmed, Mr.
Abul Quasem, Maulvi.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Ahmed Ali Mridha, Maulvi.
Ahmed Hossain, Mr.
Alimuddin Ahmed, Khan Bahadur Maulvi.
Amir Ali Mia, Maulvi Md.
Anwarul Azim, Khan Bahadur Md.
Ashrafuli, Mr. M.
Asiad Hossain Khan, Khan Bahadur Maulvi.
Azhar Ali, Maulvi.
Badruddoja, Mr. Syed.
Birkmyre, Sir Henry, Bart.
Biswas, Mr. Ranik Lal.
Chippendale, Mr. J. W.
Das, Rai Sahib Kirit Bhusan.
Dass, Babu Debendra Nath.
Edbar, Mr. Upendranath.
Farhad Rana Chowdhury, Mr. M.
Farhat Bano Khanam, Begum.
Fazlul Huq, the Hon'ble Mr. A K.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr. (Dacca).
Fazlur Rahman, Mr. (Mymensingh).
Gladding, Mr. D.
Gyasuddin Ahmed Choudhury, Alhadj.
Habibullah, the Hon'ble Nawab Bahadur K., of Dacca.
Hafizuddin Choudhuri, Maulvi.
Hamiduddin Ahmad, Khan Sahib.
Hasanuzzaman, Maulvi Md.
Hashem Ali Khan, Khan Bahadur Maulvi.
Hawkings, Mr. R. J.
Hendry, Mr. David.
Heywood, Mr. Rogers.
Idris Ahmed Mia, Maulvi.
Jalaluddin Ahmad, Khan Bahadur Maulvi.
Jasimuddin Ahmed, Khan Saheb Maulvi.
Kabiruddin Khan, Khan Bahadur Maulvi.
Kennedy, Mr. I. G.
McGregor, Mr. G. G.
Mafizuddin Ahmed, Dr.
Mahtab, Maharajkumar Uday Chand.
Mandal, Mr. Banku Behari.
Mandal, Mr. Jagat Chandra.
Maniruddin Akhand, Maulvi.
Masud Ali Khan Panni, Al-Hadj Maulvi.
Mohammed Ali, Khan Bahadur.
Morgan, Mr. G., O.I.E.
Moslem Ali Mollah, Maulvi M.
Muhammad Ibrahim, Maulvi.
Muhammad Ishaque, Maulvi.
Muhammad Israil, Maulvi.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Pulin Behary.
Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustaqawai Haque, Mr. Syed.
Nandy, the Hon'ble Maharaja Srischandra, of Cossimbazar.
Nazarullah, Nawabzada K.
Norton, Mr. H. R.
Patton, Mr. W. C.
Raikut, the Hon'ble Mr. Prasanna Deb.
Rajibuddin Tarafdar, Maulvi.
Razaur Rahman Khan, Mr.
Roy, Mr. Dhananjoy.
Roy, Mr. Patiram.
Sadaruddin Ahmed, Mr.
Safiruddin Ahmed, Haji.
Sahabe-Alum, Mr. Syed.
Salim, Mr. S. A.
Sanaullah, Al-Hadj Maulana Dr.
Sarkar, Babu Madhusudan.
Sasseen, Mr. R. M.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja, C.B.E.
Shamsuddin Ahmed Khondkar, Mr.
Sinclair, Mr. J. F.
Sirdar, Babu Litta Munda.
Smith, Mr. H. Brabant.
Steven, Mr. J. W. R.
Suhrawardy, the Hon'ble Mr. H. S.
Speller, Mr. J. H.
Tamizuddin Khan, the Hon'ble Mr.
Tofel Ahmed Choudhury, Maulvi Haji.
Walker, Mr. J. R.
Walker, Mr. W. A. M.
Yusuf Ali Choudhury, Mr.

The Ayes being 45 and the Noes 104, the motion was lost.

The motion of the Hon'ble Sir Bijoy Prasad Singh Roy that a sum of Rs. 1,40,000 be granted for expenditure under the head "7—Land Revenue" during the current year was then put and agreed to.

### 28—Jails and Convict Settlements.

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** Sir, on the recommendation of His Excellency the Governor I beg to move that a sum of Rs. 2,16,000 be granted for expenditure under the head "28—Jails and Convict Settlements" during the current year.

**Rai HARENDRA NATH CHAUDHURI:** Sir, I beg to move that the demand of Rs. 2,16,000 for expenditure under the head "28—Jails and Convict Settlements" be reduced by Rs. 100.

Sir, in the vast prison house known as British India, jails and in particular the treatments of prisoners in jails, have developed into a matter of great public concern, particularly at a time when even the very best of us cannot keep out of them. But, Sir, we see that the Government is not prepared to face the situation from the public point of view. Had the Government attitude changed in any way regarding the treatment of the prisoners in respect of provision for their food at least, such an inadequate demand would not have been made at all. The supplementary demand of Rs. 1,04,000 is undoubtedly a demand for extra grant, but for what purpose? For dietary charges in respect of Central Jails, Rs. 5,000,—here it has to be noted that there is no mention of any provision for the Presidency Jail,—and then comes the dietary charges in respect of District Jails, Rs. 71,000, and, thirdly, for the same charges in respect of Subsidiary Jails, Rs. 28,000. And what are the grounds on which this demand is going to be put forward? The Explanatory Memorandum says: "The additional demand under 'Dietary charges' is due to increase in the number of prisoners as well as in the price of foodstuffs." Therefore, it will be seen that no improvement in respect of the present unsatisfactory scale of their dietary charges is at all contemplated. Had there been no increase in the number of prisoners, no rise in the price of commodities, there would not have been this demand at all. But, Sir, you will remember that lately there was a hunger-strike for the low scale of diet allowance of the detained persons. I will remind you of the adjournment motion that was moved in this House in November last when the demands of the Security prisoners were pressed for consideration. The Hon'ble Sir Nazimuddin then said that he would consider their case, and although he was not prepared to grant consolidated allowances, he would consider the rates of their food charges as well as other demands. But what was the upshot of his consideration? They were granted an allowance of 9½ annas only per head. Sir, just consider the treatment that was meted out only a few years ago by the bureaucratic Government to the detenus. According to the Government statement, every detenu in jail or Berhampore camp was entitled to a daily dietary allowance of 12½ annas, but now in the case of the Security prisoners, men who have not been tried and convicted at all, they are going to make a provision of 9½ annas per head only. Not only that. The allowance of Deoli detenus was then 15 annas. And what was more, they were granted a personal allowance of Rs. 9 each, but even that treatment is now being denied to the Security prisoners.

In moving this motion, Sir, I therefore demand in the first place that the Government should make their position clear in respect of the Security prisoners, viz., whether they are really going to treat them in a better way or not.

Then, Sir, I would pass on to the treatment that is now being meted out to prisoners convicted under the Defence of India Act. Well, Sir,

as convicted prisoners they are classified under the Jail Code mostly as Division II and Division III prisoners and as such prisoners they are being supplied with such food as is provided under the Jail Code. No special consideration is at all made to them, in spite of the fact that men who are members of the Legislature find themselves there in the jail now. Sir, even in respect of political prisoners of Division II class, I had in course of my visit to one of the Central Jails, I mean the Dum-Dum Central Jail, to make these remarks in July last:—

"There was another matter in which political prisoners were feeling dissatisfied. Their scheduled diet permitted only a few alterations and even some of these alterations are being denied to them on the ground of cost when actual expenditure on their diet, they said, was below the limit allowed. For instance, instead of *dahi* they can have fruits under the rule, yet if a person demands cocoanut, he is not allowed that on the ground that it might cost only a pie more. Such a refusal is not fair when the average expenditure per head per day is below 7 annas in place of 9½ annas fixed by Government order." Sir, can pettiness go further in the name of parsimony?

I would again call upon the Government to make their position clear whether they desire that such economy should be practised in the matter of provision of diet of Division II prisoners. I am informed, Sir, that the prisoners in Hijli Central Jail are being provided with coarse rice mixed up with inedible things. Thirdly, in moving this motion I cannot afford to forget the diet provision for the Third Class or Division III prisoners—the common run of prisoners. You will find, if you refer to the Jail Code, that the allowance of fish and such other things is not at all sufficient so far as the Bengali prisoners are concerned. The fact is that so little fish is provided to the common run of prisoners that they prefer to go without fish one day in order that they may have a bit more of fish on another day. Sir, that is a condition of affairs in which it must be admitted there is room for improvement, and I hope that the Government will take their case, *i.e.*, the case of the Division III prisoners, also into consideration, particularly having regard to the fact that in Bengal the prisoners suffer mostly from bowel complaints as, to practise economy, instead of fish they are supplied with more and more *dal*. For humanity's sake Government should not insist on economy being made in jail expenditure, in respect of dietary charges at least.

**Mrs. NELLIE SEN GUPTA:** Mr. Speaker, Sir, I wish to support the cut motion moved by Mr. Chaudhuri. At the outset, I wish to speak about Chittagong. Every time I go to Chittagong, I hear complaints from not only young boys but from men who would not speak lightly about a matter of this kind. The food supplied in the Chittagong Jail is really disgraceful. When I hear that 9½ annas is allowed, I am

really surprised that in Chittagong the amount allowed per prisoner is only 3½ annas. Even if that amount could be given to the prisoners themselves, they might be able to have some kind of decent food. Now in the morning they are given some kind of boiled rice—*lapshi*; in the day they are given rice and vegetable curry, made of vegetables which I am told is not fit for human consumption. Again, in the evening they are given the same kind of diet. I put some questions about this matter, but the Minister in charge got out of it very cleverly without giving me an answer. He said that "there are no prisoners coming under the head of 'political prisoners'" and, therefore, my second, third and fourth questions did not arise. I do not know under what category these boys are, but they should not be known as criminals. They are boys of good families; they are boys of education, and they are kept there in a manner which is not fit for anyone but criminals. I do not know if I can speak on the matter of lights to-day. But they have given one light in a room big enough for 25 boys. They are shut in there from 5-30 p.m. No arrangements are made for sports, games or any other recreation, and I would ask that an enquiry be made and a decent amount of money provided for the prisoners of the Chittagong Jail.

Sir, I would also like to say that I think this amount which has been demanded might have waited until the report of the Jail Enquiry Committee was available.

Sir, with these words I support the cut motion.

**Mr. CHARU CHANDRA ROY:** Sir, in supporting the motion moved by Mr. Chaudhuri, I submit before you that besides the inadequacy of the dietary charges there are other things which the Government ought to look into, and we have got a promise from the Hon'ble Home Minister himself that in the case of Security prisoners after the hunger-strike had been called off, he would look into the matter with a sympathetic spirit as soon as possible. The hunger-strike was called off on the 17th December——.

**Mr. SPEAKER:** I am sorry, that is not the subject-matter.

**Mr. SASANKA SEKHAR SANYAL:** He is speaking on the main demand.

**Mr. SPEAKER:** On the main demand the issue that we are to discuss is the inadequacy of the dietary charges and there is nothing about the hunger-strike.

**Mr. SASANKA SEKHAR SANYAL:** On certain assurance given by the Hon'ble Home Minister, the——

**Mr. SPEAKER:** It is only in respect of dietary charges that the main demand arises.

**Mr. CHARU CHANDRA ROY:** I have got my own motion on this point.

**Mr. SPEAKER:** This year there is nothing but dietary charges and purchase of raw materials in the main demand. You can speak only on those subjects.

**Mr. CHARU CHANDRA ROY:** Sir, I want to draw your attention to the fact that ¼ chattack of ghee, ½ chattack of mustard oil, 1/16 chattack of *nebu* and 3/16 chattack of condiment and ⅜ chattack of butter are given to each prisoner per day. Security prisoners and Divisions I and II prisoners come under this category. With this the hunger-strike began, and we got an assurance from the Government, and specially from the Hon'ble Home Minister, that as soon as the hunger-strike was called off, Government would look into the matter with sympathetic spirit, and Government admitted that in their *communiqué*. Our Leader, Mr. Sarat Chandra Bose, and our Deputy Leader, Mr. Santosh Kumar Basu, and my humble self had a long discussion with the Hon'ble Minister about this, and we wrote a letter to the prisoners in this connection. They called off the hunger-strike, but up till now my information is that nothing has been done. Coarse rice with gravel is being supplied to the Hijli Special Jail prisoners—Security prisoners—and they are detained without trial. I submit that on account of this dietary condition, the health of every prisoner is broken. I ask—I do not know whether Sir Bijoy will speak on behalf of the Home Minister—I ask the Hon'ble Chief Minister to go there himself with Sir Bijoy to look into the matter and see how the prisoners are living there. Books and newspapers are not regularly supplied to them. Even the families of these prisoners are starving now, and no arrangement for their allowance has been made as yet. All these we discussed with the Hon'ble Home Minister, and he promised to do everything possible as soon as the hunger-strike was called off. The hunger-strike was called off on the 17th December, and we had discussion on the 2nd January, and to-day is the 12th February and "as soon as" has not come yet! I say that in dealing with the convicted prisoners and in dealing specially with prisoners who are detained without trial, Government must be sympathetic. The prisoners can demand their trial, but Government have not the courage to frame any charge against them.

Sir, may I ask the Hon'ble Chief Minister or the Hon'ble Home Minister to produce before this House the remarks made by the District

Magistrate of Midnapore about the Hijli Jail in the Visitors' Book. I think Government have not the courage to produce those remarks. Those remarks will show how these prisoners are kept, fed and clad.

Sir, with these remarks I support the cut motion moved by my friend Rai Harendra Nath Chaudhuri.

**Mr. SASANKA SEKHAR SANYAL:** Sir, before the Hon'ble Minister gives a reply to this cut motion, may I make a request to him through you? There was a question tabled by Mr. Pratul Chandra Ganguly regarding certain grievances of prisoners on hunger-strike. Supplementary questions were asked and the Hon'ble Home Minister—the actual and not the pseudo-Home Minister—assured us about a week ago that he would be prepared to give a reply to these things if a separate short-notice question was put or when the matter came up in connection with the supplementary estimates. He has not come to-day, and I appreciate the difficulty of Sir Bijoy. I hope the Hon'ble Minister will not simply gloss over the matter by giving a general and vague reply. He may get himself posted by persons sending in slips. We want to know what are the terms and conditions as between the Home Minister and our Leader on which the hunger-strike was called off and which of these terms and conditions have been fulfilled and to what extent and, if not, why they have not been fulfilled up till now. The point of my question is that we do not make a secret of it that the hunger-striking prisoners who called off the hunger-strike felt that they were deluded by the false promises made, and we would not be surprised if on account of this breach of faith the prisoners are again compelled to resort to a fresh hunger-strike.

(At this stage the Hon'ble Sir Bijoy Prasad Singh Roy rose to speak.)

**Mr. SPEAKER:** Sir Bijoy, would you just wait for a minute, please.

While Sir Bijoy Prasad Singh Roy would be speaking, I would ask the House to settle whether I shall take up the "Agriculture" budget or the "Police" budget next.

**Mr. SASANKA SEKHAR SANYAL:** Sir, we would like to take up the "Police" budget first, as it is more important.

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** Sir, at the outset I may inform the House that there was no undertaking given by the Hon'ble the Home Minister——

**Mr. SASANKA SEKHAR SANYAL:** It was not an undertaking, but there was an understanding——

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** Very well, there was no understanding between the Leader of the Opposition and the Hon'ble the Home Minister on which the hunger-strike was withdrawn. There was none whatsoever. Sir, as you were pleased to observe, I think the points which have been raised by my friends opposite are wholly irrelevant, because the demand is merely for additional expenditure due to the rise in the number of prisoners as well as in the price of foodstuffs. So this has nothing to do with the general policy about the political prisoners, the convicted prisoners or about the calling off of a hunger-strike——

**Mr. ATUL CHANDRA SEN:** On a point of information, Sir. What is the increase in the number of prisoners due to?

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** Sir, that is my first submission.

Then, Sir, my friend Rai Harendra Nath Chaudhuri has described British India as a huge prison house. I think he ought to congratulate himself that he is in this prison house and not in a Nazi concentration camp——

**Mr. SASANKA SEKHAR SANYAL:** Of which Sir Bijoy Prasad is a jail warder.

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** Sir, it is because he is in this so-called prison house that he is emboldened to criticise, I should say, in this irresponsible and flippant manner.

Sir, Government in 1938 appointed a committee to enquire into the dietary conditions of our jails, and the finding of that committee is that we in Bengal spend the largest amount of money on diet amongst all the provinces in India——

**Rai HARENDRA NATH CHAUDHURI:** Do you know your number of prisoners?

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** Sir, it is an undoubted fact that we spend the largest amount——

**Rai HARENDRA NATH CHAUDHURI:** What is the rate of expenditure per head of the prisoners?

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** Sir, so far as the rate per head is concerned, we spend more than any other province——

**Rai HARENDRA NATH CHAUDHURI:** What is your rate per head?

**Mr. SASANKA SEKHAR SANYAL:** You are speaking of Division III rates, but is it not a fact that in some of the other provinces the classification of political prisoners as Division II prisoners has been almost abolished, but much more is spent on them?

**Mr. SPEAKER:** Order, order. If the members are not anxious to hear you, Sir Bijoy, and if they only interrupt in this fashion, it is no good for you to make any speech.

**Rai HARENDRA NATH CHAUDHURI:** Sir, the point is that he does not know the facts.

**Mr. SPEAKER:** But it is up to you, Mr. Rai Chaudhuri, to give him a patient hearing, and then you can discuss his speech on another occasion.

**Rai HARENDRA NATH CHAUDHURI:** On a point of order, Sir. We want to have your decision on the point whether the word "flippant" is parliamentary or not.

**Mr. SPEAKER:** I must say that of late there have been expressions used in this House which, though not absolutely unparliamentary in the sense in which they are used, it is certainly undesirable to use in parliamentary debates. Only the other day the expression "impudence" was used while referring to a member of the Treasury Bench; I did not hear it then; otherwise I would have called upon the member who made it to withdraw the expression. I must tell you that "impudence" and "flippant" are not words which should be used in orderly parliamentary debates.

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** If my friend takes objection to the word "flippant" I not only withdraw, Sir, but apologise for having used it. But I hope my honourable friend would follow his own precept in his own case.

**Mr. NIHARENDU DUTTA MAZUMDAR:** Sir, we congratulate the Hon'ble Minister for revising the flippant mood in which he has been addressing the House!

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** Sir, we appointed a committee, and that committee went into the whole question of diet and have submitted their report. And according to their report we spend more money per head than any other province in India.

**Mr. SASANKA SEKHAR SANYAL:** Sir, may I ask the Hon'ble Minister——

**Mr. SPEAKER:** Order, order. If you obstruct the debate by interrupting the Hon'ble Minister in this way, it would be impossible for me to properly conduct the business of the House. If, however, you have any information to obtain, you can do so after the conclusion of his speech.

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** As a matter of fact, Sir, my friends should know that when the prisoners come back from jails, they generally come back replenished in health.

**Maulvi ABU HOSSAIN SARKAR:** Go there, Sir Bijoy, you look so thin!

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** Sir, this shows that the prisoners are very well looked after, and that they get wholesome food. Moreover, there are non-official jail visitors, and, so far, there were very few complaints made by them. (Cries of "Question, question," from the Opposition Benches.) The prisoners are given 9 annas and 6 pies per head per diem which works out at about Rs. 18 per head. I put it to my honourable friend, Rai Harendra Nath Chaudhuri, how many people in this province can spend Rs. 18 per head per month on food?

**Rai HARENDRA NATH CHAUDHURI:** Sir, may I answer his question? He has put it direct to me.

**Mr. SPEAKER:** No, not now.

**Mr. NIHARENDU DUTTA MAZUMDAR:** But, Sir Bijoy must remember that they are not criminals.

**Rai HARENDRA NATH CHAUDHURI:** Sir, I appeal to you to give me an opportunity to reply to the question which the Hon'ble Minister has put to me direct.

**Mr. SPEAKER:** If you go on interrupting the Hon'ble Minister every moment in this fashion, I put it to you to tell me whether any debate in any parliament can be carried on properly. There is no doubt that in parliamentary debates it must be realised that one party will always try to say that the other party is misleading the country; but there is no reason why every minute a speaker should be interrupted as you have been doing now. In that case the only alternative left to the Speaker would be to take a most drastic step which, however, I do not like to take. I would, therefore, ask the members of the Opposition to be more patient.

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** As I find, Sir, that my friends are not anxious to have any information on the points they have raised, it is no good my making a reply to them in the midst of so much noisy interruptions.

(At this stage Sir Bijoy Prasad Singh Roy resumed his seat.)

**Mr. SASANKA SEKHAR SANYAL:** Sir, the Hon'ble Minister has based his argument on the assumption that more money is spent per head in this province. Does he know that in other provinces the classification of Division II prisoners has been abolished and that much more is spent upon other prisoners? Does he know or does he not know?

(No answer was given.)

The motion of Rai Harendra Nath Chaudhuri that the demand of Rs. 2,16,000 for expenditure under the head "28—Jails and Convict Settlements" be reduced by Rs. 100 was then put and a division taken with the following result:—

**AYES—45.**

Abdul Wahed, Maulvi.
Abu Hossain Sarkar, Maulvi.
Ahmeddin Ahmed, Mr.
Banerji, Mr. P.
Banerji, Mr. Satya Priya.
Banerjee, Mr. Sibnath.
Barma, Babu Premhari.
Barman, Babu Shyama Prosad.
Bhowmik, Dr. Gobinda Chandra.
Biswas, Babu Lakshmi Narayan.
Biswas, Mr. Surendra Nath.
Bose, Mr. Sarat Chandra.
Chakraborty, Mr. Jatindra Nath.
Chaudhuri, Rai Harendra Nath.
Das, Mr. Manmohan.
Das Gupta, Babu Khagendra Nath.
Datta, Mr. Narendra Nath.
Dutta Mazumdar, Mr. Niharendu.
Emdadul Haque, Kazi.
Ghose, Mr. Atul Krishna.
Giasuddin Ahmed, Mr.
Gupta, Mr. J. N.
Hasan Ali Chowdhury, Mr. Syed.
Jalan, Mr. I. D.
Jonab Ali Majumdar, Maulvi.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nishitha Nath.
Majumdar, Mrs. Hemaprova.
Mal, Mr. Iswar Chandra.
Mandal, Mr. Amrita Lal.
Mondal, Mr. Jogendra Nath.
Moqbul Hossain, Mr.
Mullick, Srijut Asbutosh.
Naskar, Mr. Hem Chandra.
Nausher Ali, Mr. Syed.
Roy, Mr. Charu Chandra.
Roy, Mr. Kiran Sankar.
Roy, Mr. Kishori Pati.
Roy, Mr. Manmatha Nath.
Sanyal, Mr. Sasanka Sekhar.
Sen, Mr. Atul Chandra.
Sen-Gupta, Mrs. Nellie.
Sinha, Srijut Maniendra Bhusan.
Thakur, Mr. Pramatha Ranjan.
Zaman, Mr. A. M. A.

**NOES—87.**

Abdul Aziz, Maulana Md.
Abdul Hafiz, Mr. Mirza.
Abdul Hafiz, Mr. Mia.
Abdul Hakim, Maulvi.
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Hamid, Mr. A. M.
Abdul Kader, Mr. (alias Lal Mean).
Abdulla-Al Mahmood, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rashid Mahmood, Mr.
Abdur Rasheed, Maulvi Md.
Abdur Rauf, Khan Bahadur Shah.
Abdur Razzak, Maulvi.
Abdus Shaheed, Maulvi Md.
Abidur Reza Choudhury, Khan Bahadur Maulvi.
Abul Hashim, Maulvi.
Abul Hossain Ahmed, Mr.
Abul Quasem, Maulvi.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Ahmed Ali Mridha, Maulvi.
Ahmed Hossain, Mr.
Alfazuddin Ahmed, Khan Bahadur Maulvi.
Amir Ali Mia, Maulvi Md.
Anwarul Azim, Khan Bahadur Md.
Ashrafali, Mr. M.
Asiad Hossain Khan, Khan Bahadur Maulvi.
Azhar Ali, Maulvi.
Badruddoja, Mr. Syed.
Das, Rai Sahib Kirti Bhusan.
Farhad Raza Choudhury, Mr. M.
Farhat Bano Khanam, Begum.
Fazlul Huq, the Hon'ble Mr. A. K.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr. (Dacca).
Fazlur Rahman, Mr. (Mymensingh).
Gyasuddin Ahmed Choudhury, Alhadj.
Habibullah, the Hon'ble Nawab Bahadur K., of Dacca.
Hafizuddin Choudhuri, Maulvi.
Hamiduddin Ahmad, Khan Sahib.
Hasanuzzaman, Maulvi Md.
Hashem Ali Khan, Khan Bahadur Maulvi.
Hawkings, Mr. R. J.
Hendry, Mr. David.
Heywood, Mr. Rogers.
Hirtzel, Mr. H. A. F.
Idris Ahmed Mia, Maulvi.
Jainuddin Ahmad, Khan Bahadur Maulvi.
Kabiruddin Khan, Khan Bahadur Maulvi.
Kennedy, Mr. I. G.
McGregor, Mr. G. G.
Mafizuddin Ahmed, Dr.
Mandal, Mr. Jagat Chandra.
Manirudddin Akhand, Maulvi.
Mohammed Ali, Khan Bahadur.
Morgan, Mr. G., C.I.E.
Moslem Ali Mollah, Maulvi M.
Muhammad Ibrahim, Maulvi.
Muhammad Ishaque, Maulvi.
Muhammad Israil, Maulvi.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Purbi Behary.
Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustaquessal Haque, Mr. Syed.
Nandy, the Hon'ble Maharaja Srischandra, of Cossimbazar.
Nasarullah, Nawabzada K.
Norton, Mr. H. R.
Raikut, the Hon'ble Mr. Prasanna Deb.
Razaur Rahman Khan, Mr.
Roy, Mr. Dhananjoy.
Roy, Mr. Patiram.
Sadaruddin Ahmed, Mr.
Safiruddin Ahmed, Haji.
Sahebe-Alam, Mr. Syed.
Salim, Mr. S. A.
Sarkar, Babu Madhusudan.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja, C.B.E.
Shamsuddin Ahmed Khondkar, Mr.
Sinclair, Mr. J. F.
Sirdar, Babu Litta Munda.
Smith, Mr. H. Brahaut.
Steven, Mr. J. W. R.
Suhrawardy, the Hon'ble Mr. H. S.
Speller, Mr. J. H.
Tamizuddin Khan, the Hon'ble Mr.
Tofel Ahmed Choudhury, Maulvi Haji.
Walker, Mr. W. A. M.

The Ayes being 45 and the Noes 87, the motion was lost.

The motion of the Hon'ble Sir Bijoy Prasad Singh Roy that a sum of Rs. 2,16,000 be granted for expenditure under the head "28—Jails and Convict Settlements" during the current year was then put and agreed to.

## 29—Police.

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** Sir, on the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 5,35,000 be granted for expenditure under the head "29—Police" during the current year.

**Mr. NIHARENDU DUTTA MAZUMDAR:** Sir, I beg to move that the demand of Rs. 5,35,000 for expenditure under the head "29—Police" during the current year be reduced by Rs. 100.

Sir, we have here the demand for an additional grant of Rs. 5,35,000 for police. The Hon'ble Minister proclaimed that he would have liked to see the Opposition experience life in a Nazi prison. He said this, Sir, in reply to Rai Harendra Nath Chaudhuri's assertion that the whole of India to-day had been pretty nigh converted into a prison camp. Sir, this grant is indeed one of the many indications that the British Government is converting the country into a prison camp. Now at this late hour having learnt their lessons as a result of the real exploits of Nazi heroism which is bringing home to the British Government its own misdeeds all the world over, now so successfully practised by the Nazis *par excellence* over the British Government itself,—lessons drawn from the examples which the British Government has set to the world, it is now coming forward in a secondhand manner to establish the Nazi model of prison camps in India. But it is too late. They are coming forward frantically to take added measure at a time when they are tottering in their own homeland. Sir, in this connection, the thing that is most significant is that the necessities arising out of the continuance of the war have been pleaded for the purpose of advancing this additional demand. Sir, I ask through you the members opposite, I ask through you the members of every section of the House, to consider whether we would not be justified in saying that as a result of the war the people of this province have been very badly hit. As a result of the war effects, their income instead of being augmented has been very much reduced. At this time, the Bengal Government which has got no authority over the conduct of the war is not justified in imposing an additional piece of taxation over the people of Bengal. Sir, if due to the war conditions any additional expenses are required these should, rightly speaking, come from the funds of the British Government, from the British War Office. Sir, the people of Bengal should not be called upon to contribute one single pie for any purpose connected with the war.

**Mr. SPEAKER:** There is nothing in this connected with the war. It is the exigencies of the war which necessitated the increase. Please discuss that.

**Mr. NIHARENDU DUTTA MAZUMDAR:** Sir, I beg to draw the attention of the House to the Explanatory Memorandum where it is admitted that on the assumption that certain charges on this account would be recovered from the Government of India, provision for this staff was made in the current year's budget under "63—Extraordinary charges in India." It now appears that as the staff is

primarily employed in the maintenance of law and order in this province, the Centre is unable to accept any liability for it. Sir, after false hopes and false pretences, additional charges have been imposed on this province. The irresponsible Central Government can now turn round and say, "We cannot accept the liability as it is for the purpose of maintaining law and order in this province." Why should Bengal suffer? Here is a provision for the cost of equipment and training of three additional Tear Smoke Squads in the Bengal Police the formation of which was undertaken after the budget had been passed for war purposes. We have seen in what manner these squads have been used. We have seen in the poorest of the poor quarters of Calcutta only yesterday Tear Smoke Squads brought out against our own people. We find that additional expenses have been incurred to provide extra staff for the so-called intelligence work for subversive activities. Sir, this additional staff which has been created has got to justify its existence. What is the way in which these people justify their existence? They try to raise the bogey—the scare—of subversive activities in different parts of our countryside. We have seen an illustration. We have seen how law and order is maintained in the city of Calcutta itself. We see, Sir, since then that the accentuation of the very unfortunate and regrettable heart-attack of the Hon'ble Home Minister has continued and has compelled him to continue to absent himself from the House. We are left with a very poor substitute for the Hon'ble Home Minister—I mean a very bad substitute for the wardenship of the Nazi administration of prisons in Bengal—who comes forward and talks on a subject which is not his own and, therefore, can be excused for his irrelevance and for relapsing into flippant moods. This is the situation in which we find ourselves this evening as a sequel to the first Tear Gas demonstration by the Police Department.

Sir, I shall give only one illustration as to how this additional staff has been working. Only about October last this additional police staff went out in search of some scent of subversive activities in the Bengal rural areas and in their quest for subversive activities they—rather than facing disappointment—went forward to take the initiative to demonstrate subversive activities, and the outcome was an abominable firing on the poor villagers in Brahmanchak, a village within 40 miles of Calcutta in the jurisdiction of Harua police-station in the district of 24-Parganas. Special police went forward with the plea of subversive activities being carried on in that locality. A local zemindar in league with the police force then came forward with his own rifle and maintained law and order by shooting down the innocent villagers. This outrage was then taken up by the police as a demonstration of the existence of subversive activities. Additional forces were posted there—the members of the new Intelligence Branch for whom we are asked to vote money—to watch the activities of the

villagers. In their zeal they raided the village wholesale. Sir, I had been to the spot and seen things with my own eyes. Not one house was there to be found where boxes, trunks and other valuables were not damaged or carried away. Stocks of grains from the homes of these villagers were carried away. Money was also taken away by the police force. Houses were burnt down with cattle inside them. I ask the Hon'ble Ministers to come forward, and I shall be glad to accompany them with members of all sections of the House. Even to-day after three months after the incident the Hon'ble Ministers can satisfy and see for themselves in what way law and order is being maintained for which the members of this House are asked to vote an additional grant of Rs. 5,82,000. Sir, this illustration would show what is the real purpose behind this sort of grant. This is giving a direct encouragement to corruption and provocation. Those additional forces, to justify their existence and to be able to ask for more and more grants, create such incidents with a view to raise scares and get money squeezed out of the already bankrupt revenues of this province. This session we have already seen so many taxation measures and are likely to see more. We have witnessed the working of this extra staff maintained to enforce law and order in rural areas as well as in the heart of Calcutta. Will Government dare to set up an independent committee of enquiry consisting of members of the European Group, members of the Coalition Party itself and members of the Opposition to examine the necessity and working of this staff? It will not be necessary to include members of the Opposition. We from this side of the Opposition shall accompany the committee of enquiry consisting exclusively of the members of the Coalition Party and of the other groups. We shall go there and demonstrate to them, going from house to house, what havoc has been played by these forces meant for the maintenance of law and order! No German army of occupation, no Hitler's Nazi horde, could have worked worse havoc in Belgium or Holland or any other conquered country as was done by this despicable lot incited by the Government of India and aided and abetted by the Government of Bengal in this village. (Loud laughter by the Hon'ble Mr. H. S. Suhrawardy.) The Hon'ble Labour Minister may afford to show his teeth in his foolish effort to drown these hard facts by his assumed merriment. I ask him now to accompany me to that part of Calcutta where tear gas bombs were used if only he would dare. I ask him to accompany anybody to those parts of villages where the working of law and order has been demonstrated for which he has come forward with a special grant of Rs. 5,35,000.

(At this stage the red light was lit.)

I ask the honourable members——

**Mr. SPEAKER:** Mr. Dutta Mazumdar, your time is up.

**Mr. NIHARENDU DUTTA MAZUMDAR:** Sir, I will finish in a moment.

**Mr. SPEAKER:** Just try to finish as soon as possible.

**Mr. NIHARENDU DUTTA MAZUMDAR:** All right, Sir. I ask the honourable members through you, Sir, to consider for a moment that while the police are getting encouragement in the form of additional grants, the victims of the same police, who are now under the clutches of the Defence of India Act, are being lodged in prison under disgraceful conditions. Sir, if Government had asked for money for better treatment to these prisoners, we could have understood the financial statement of the Hon'ble Minister for more grants. Take, for instance, the Italian prisoners of war who have been brought here for internment in the concentration camps. They are given better treatment, which no Indian will grudge, but these unarmed countrymen of ours who are now in prison under the Defence of India Act are being treated as worse than cattle! Will the Bengal Ministry dare to come forward with a demand that the Government of India shall have to advance every penny of this additional expenditure and let the entire money to be voted here go to the Indian prisoners for their better treatment at par with the foreign Italian prisoners now shut up in the Indian concentration camps? If you want an illustration of a more fiendish and worse condition of life than in the Nazi concentration camps, then go to Hijli and other camps where Indian prisoners are lodged, and let Sir Bijoy satisfy himself——

**Mr. SPEAKER:** Order, order. It is irrelevant. You are discussing police expenditure; it has nothing to do with the treatment of prisoners in the concentration camps. However, your time is already up.

**Mr. NIHARENDU DUTTA MAZUMDAR:** Sir, I was only making a passing reference to the plight of the victims of the police for whom we are asked to vote money.

(At this stage Mr. P. Banerji rose to speak.)

**Mr. SPEAKER:** Please sit down, Mr. Banerji. Unless I finish this item now, Government will not have any opportunity to take up the next items, as only five minutes are now left.

**Mr. ABU HOSSAIN SARKAR:** May I, Sir, draw your attention to the fact that to-night's business will be carried over in to-morrow's agenda?

**Mr. SPEAKER:** The item for to-morrow's agenda refers to excess demands.

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** Sir, I take it to be the privilege of my honourable friend the Labour member to indulge in unbridled imagination and exaggeration. I find he does not hesitate to compare things in the outskirts of Calcutta with what happened in Holland or Belgium or in any of the enemy-occupied countries. Sir, I will not try to reply to him on these points. But, Sir, the one point I would like to impress on this House is that the demand of additional police grant is by no means to help the Government of India in their war expenditure. I hope the honourable members will realise that because of the general unsettled conditions due to war, a situation has been created not only in Bengal but all over India and probably all over Asia, which requires additional control and police force for the maintenance of law and order, and it is undoubtedly the function and duty of the Provincial Government to maintain law and order. Government at the beginning thought—it was a misconception on our part, I admit—that this money should come from the Government of India, but ultimately it was pointed out by them, and we came to realise that it formed part of our general expenditure on law and order and naturally it was payable by us and not by the Central Government. That is why this demand has been put forward.

Now, Sir, the money is going to be spent on different heads and all these heads have been very clearly explained and enumerated in this statement; so I need not go into them.

Sir, I hope the honourable members would agree with me that the formation of the Civic Guard is a very useful institution. Civic Guards have been formed to help the ordinary police in some of their duties. It is giving the citizens of this country training in very responsible spheres of work. About 14,000 Civic Guards have been created—about half the number in Calcutta and half in the mufassal areas. Sir, I have heard here in this House times without number that our countrymen should be given military training. Though it is not military training, certainly it is training in very important subjects and it will give them an idea of discipline and make them useful.

Now, Sir, so much has been said about the tear smoke squads. We have two squads—one in Calcutta and the other in 24-Parganas and Howrah. Now it has been decided to add three more for the three Ranges. Whenever there is a trouble, a riot, Government often have to use firearms. To avoid the use of firearms they have decided to use tear gas, and this is no new thing that they have introduced in Bengal. They are following the example of other civilised countries. And is there any doubt that the use of tear gas is certainly preferable to the use of firearms?

Sir, Government have the greatest anxiety for peace and order, for the safety of the people, so that the ordinary misled ignorant persons who are excited——

**Mr. SASANKA SEKHAR SANYAL:** Who are excited by irresponsible Ministers.

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** Not by irresponsible Ministers, but by agitators like yourselves.

Sir, the use of tear gas is certainly preferable to the use of firearms, and I venture to maintain that this demand is very much justified, and I hope that the House will agree to it, and will turn down the motions of my friends opposite.

The motion of Mr. Niharendu Dutta Mazumdar that the demand of Rs. 5,35,000 under the head "29—Police" be reduced by Rs. 100 was then put and lost.

The motion of the Hon'ble Khwaja Sir Nazimuddin moved by the Hon'ble Sir Bijoy Prasad Singh Roy, that a sum of Rs. 5,35,000 be granted for expenditure under the head "29—Police" during the current year, was then put and agreed to.

## 40—Agriculture.

**The Hon'ble Mr. TAMIZUDDIN KHAN:** On the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 55,17,000 be granted for expenditure under the head "40—Agriculture" during the current year.

**Mr. MAQBUL HUSAIN:** Sir, I beg to move that the demand of Rs. 55,17,000 for expenditure under the head "40—Agriculture" during the current year be reduced by Rs. 100.

মাননীয় সভাপতি সাহেব, পাটচাষ নিয়ন্ত্রণ করার জন্য যে আইন হয়েছে তাহার record সংশোধন না হওয়া পর্য্যন্ত স্থগিত রাখার জন্য আমি এই ছাটাই প্রস্তাব উত্থাপন করিলাম। পাটচাষ নিয়ন্ত্রণ আইন পাশ হওয়ার পর, গভর্ণমেণ্ট হইতে পাটের জমির record তৈরী করা হয়েছিল। এই record এ অনেক মারাত্মক ভুল ত্রুটি রহিয়া গিয়াছে। Record করার জন্য যে সমস্ত কর্ম্মচারী পাঠান হইয়াছিল তাহারা অধিকাংশ স্থলে পাটের জমিতে না গিয়া গ্রামের এক স্থানে বসিয়া জমি না দেখিয়া কিম্বা জমির মালিককে না ডাকিয়া নিজের ইচ্ছামত record প্রস্তুত করায় সমগ্র প্রদেশে পাটের জমির record ভুল হইয়াছে। স্থান বিশেষে এমন হইয়াছে যে কোন কোন চাষীর বিশ পঁচিশ বিঘা পাটের জমির এক বিঘাও recordএ উঠে নাই। কিন্তু, অবস্থা এরূপ ছিল যে ঐ সমস্ত চাষী তাহাদের জমিতে অর্দ্ধেক কিম্বা তাহারও অতিরিক্ত জমিতে পাটচাষ করিত। তদন্ত

করিলে এবম্বিধ প্রকারের অসংখ্য ভুল পাওয়া যাইবে। মোটের উপর পাটচাষীর সমস্ত পাট-জমি নির্ভুলভাবে record হইয়াছে এরূপ চাষী খুঁজিয়া পাওয়া যাইবে না বলিয়া আমার বিশ্বাস।

পাটের জমির record এ এই প্রকারের ভুল হওয়ায় এবং এই সমস্ত ভুল ত্রুটী থাকা সত্ত্বেও এক তৃতীয়াংশ জমিতে পাট করার জন্য নির্দ্দেশ দেওয়ায় পাটচাষীদের মধ্যে অসন্তোষের সৃষ্টি হয়েছে। স্থানে স্থানে সভা সমিতি করিয়া পাট নিয়ন্ত্রণ আইনের তীব্র প্রতিবাদ করা হয়েছে। সংবাদপত্রের পৃষ্ঠা খুলিলে এই সমস্ত সংবাদ প্রতিদিনই দেখিতে পাওয়া যাইতেছে। যদি record সংশোধন না হওয়া পর্য্যন্ত নিয়ন্ত্রণ আইন স্থগিত রাখা না হয় তাহা হইলে দেশে যে আন্দোলনের সৃষ্টি হইবে তাহার দ্বারা গভর্ণমেণ্টএর শাসন যন্ত্র বিকল হইয়া যাইবে। কাজেই পূর্ব্বাহ্নে এই আইন স্থগিত রাখিয়া পাটচাষীদের অসন্তোষ নিবারণ করা এবং তাহাদের ধন্যবাদ পাওয়া মন্ত্রীমণ্ডলীর আবশ্যক।

পাটচাষ নিয়ন্ত্রণ আইন কার্য্যকরী করার পূর্ব্বে পাটের বাজার নিয়ন্ত্রণ, নিকৃষ্ট পাটের সর্ব্বনিম্ন দর মন প্রতি দশ টাকা নির্দ্ধারণ, সর্ব্বত্র ৮০ তোলা ওজনের মাপের প্রচলন করা প্রভৃতি বিষয়ে ব্যাপক পরিকল্পনা করা একান্ত আবশ্যক। এছাড়াও পাট গাছের শোলা জনসাধারণ ঘালানী কাঠরূপে ব্যবহার করে বলিয়া এবং গৃহস্থালীর কাজে ব্যবহার্য্য (domestic consumption) পরিমিত পাট যে জমিতে উৎপন্ন হয় তাহা এবং বিল, চর, নিম্নভূমি যেখানে পাট ব্যতীত অন্য কোন ফসল উৎপন্ন হয় না তাহা আইনের আওতা হইতে বাদ রাখার দিকে দৃষ্টি না রাখিলে চাষী অত্যন্ত ক্ষতিগ্রস্থ হইবে। উল্লিখিত কারণে এবং record এ যে ভুল হয়েছে তাহা সংশোধন করিতে আমি এই আইনকে স্থগিত রাখার জন্য আমার এই ছাটাই প্রস্তাব উত্থাপন করিয়া গ্রহণ করিবার জন্য অনুরোধ করিতেছি।

(Mr. M. Shamsuddin Ahmed rose to speak.)

**Mr. SPEAKER:** I am sorry, Mr. Shamsuddin, but there are only two minutes left and you have to finish your speech within that time.

**Mr. M. SHAMSUDDIN AHMED:** What can I say in two minutes? All right, Sir. I will describe as I described last year this settlement or survey or what is called the jute census as ridiculous. This year also it is utterly scandalous. I would ask the Hon'ble the Chief Minister to go round the province in certain districts and to hear the complaints about the recording as made in the countryside. I do not want to say anything more as you have allowed me, Sir, only two minutes. But I say, Sir, that it is utterly scandalous. These jute records are absurd, and whether you go in for giving licenses or for regulation or restriction of jute, nothing will be of any avail. Therefore, Sir, if the ministry had a little bit of sense in their brain they would have at least taken one year just to carry on propaganda throughout the province. I have been told that there has been no beating of drums and no

publication. Possibly, in one or two union boards some notices or something of that nature might have been hung up which nobody would care to read or know about. I shall hear with very great relish what the Hon'ble Minister of Agriculture has got to say as to how the propaganda was carried on. The people of our country are illiterate. Everybody knows that, and so I want to know what sort of propaganda was carried on throughout the province to make them aware of what was going on. How did they know that this sort of record will be made. Therefore I say, Sir, that the whole recording has been scandalous and the Minister of Agriculture will know to his utter misfortune what will befall just after they finish the regulation.

**The Hon'ble Mr. TAMIZUDDIN KHAN:** Sir, I oppose this motion. This motion reminds me of a similar occasion last year. Then also when Government was determined to enforce restriction, the objection that came principally from the Opposition was that the record made that year was absolutely wrong and no restriction scheme could possibly be based on that. I am sorry, Sir, that Government yielded to the Opposition on that occasion. Everyone knows that on account of the abandonment of the restriction scheme the price of jute fell down to a very great extent in the current year. Now, Sir, the same game is being tried to be played by the Opposition Benches. I admit that there are mistakes. There are bound to be mistakes in the record. Even in the settlement operations which are performed with much more care and caution and with much larger expenditure, there also we find that there are mistakes. But when the work had to be done in a great hurry in a short time, it was only natural that there should be some mistakes, but I submit, Sir, that the percentage of mistakes is not very high. Then, Sir, I would remind the House that when this recording was done, pamphlets were distributed in their thousands amongst all clauses of people (Cries of "No, no" from the Opposition Benches.)

**Mr. M. SHAMSUDDIN AHMED:** May I know if there was any beating of drum? Let the Hon'ble Minister say this on the floor of this House.

**The Hon'ble Mr. TAMIZUDDIN KHAN:** Yes, there was. I called upon the people to bring to the notice of the department any remissness on the part of the recording staff or any irregularity committed by them. You will be surprised to hear, Sir, that not a single complaint was made against the recording staff (Mr. SASANKA SEKHAR SANYAL: Would it be parliamentary, Sir, to say that it is an entirely false statement?) and under those circumstances I am at a loss to understand my honourable friends when they come with this objection at the eleventh hour. (Mr. SURENDRA NTH BISWAS: I myself sent 200 applications to the Collector.)

Now, Sir, what is this amendment? The purport of this amendment is that the restriction scheme should be abandoned for the time being. What will be the effect of that? Everyone knows that the prices of jute went down to the lowest level a few months ago, and everyone knows that it was on account of the action taken by Government and on account of the agreement that has been arrived at with the jute mills that the prices have gone up to a considerable extent. If Government came to an agreement, it was on the basis of the coming year's restriction. If there was no restriction in the coming year, that arrangement would never have been arrived at, and the prices of jute would have gone down. I can assure my honourable friends that if the restriction scheme is now abandoned, the prices of jute will go down to Re. 1 the next day. Therefore, Sir, I submit that it will be a suicidal policy if this restriction scheme is now abandoned and so Government is determined to carry it through.

The motion of Mr. Maqbul Husain that the demand of Rs. 55,17,000 under the head "40—Agriculture" be reduced by Rs. 100 was then put and a division taken with the following result:—

**AYES—34.**

Abdul Wahed, Maulvi.
Abu Hossain Sarkar, Maulvi.
Azimuddin Ahmed, Mr.
Banerji, Mr. P.
Banerji, Mr. Satya Priya.
Barma, Babu Promhari.
Barman, Babu Shyama Prosad.
Bhowmik, Dr. Gobinda Chandra.
Biswas, Mr. Surendra Nath.
Bose, Mr. Sarat Chandra.
Chaudhuri, Rai Narendra Nath.
Das Gupta, Babu Khagendra Nath.
Deloi, Mr. Narendra Nath.
Dutta Mazumdar, Mr. Nibaronde.
Emdadul Haque, Kazi.
Ghiasuddin Ahmed, Mr.
Gupta, Mr. J. N.
Hazan Ali Chowdhury, Mr. Syed.
Jalan, Mr. I. D.
Jonab Ali Majumdar, Maulvi.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nishitha Nath.
Mal, Mr. Iswar Chandra.
Mandal, Mr. Amrita Lal.
Maqbul Hossain, Mr.
Mullick, Srijut Ashutosh.
Naskar, Mr. Hem Chandra.
Nausher Ali, Mr. Syed.
Roy, Mr. Charu Chandra.
Roy, Mr. Manmatha Nath.
Sanyal, Mr. Sasanka Sekhar.
Shamsuddin Ahmed, Mr. M.
Sinha, Srijut Manindra Bhusan.
Zaman, Mr. A. M. A.

**NOES—77.**

Abdul Aziz, Maulana Md.
Abdul Hafiz, Mr. Mirza.
Abdul Hafiz, Mr. Mia.
Abdul Hakim Vikramperi, Maulvi Md.
Abdul Hamid, Mr. A. M.
Abdul Majid, Mr. Syed.
Abdulla-Al Mahmood, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rahman Siddiqi, Mr.
Abdur Rasheed Chaudhuri, Mr.
Abdur Rasheed, Maulvi Md.
Abdur Rauf, Khan Bahadur Shah.
Abdus Saheed, Maulvi Md.
Abidur Reza Chowdhury, Khan Bahadur Maulvi.
Abul Hashim, Maulvi.
Abul Hossain Ahmed, Mr.
Abul Quasem, Maulvi.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Ahmed Ali Mridha, Maulvi.
Ahmed Hossain, Mr.
Alfazuddin Ahmed, Khan Bahadur Maulvi.
Amir Ali Mia, Maulvi Md.
Ashrafali, Mr. M.
Asiad Hossain Khan, Khan Bahadur Maulvi.
Azhar Ali, Maulvi.
Badruddoja, Mr. Syed.
Das, Mr. Anukul Chandra.
Das, Rai Sahib Kirti Bhusan.
Farhad Raza Chowdhury, Mr. M.
Farhat Bano Khanam, Begum.
Fazlul Huq, the Hon'ble Mr. A. K.
Fazlul Quadir, Khan Bahadur Maulvi.

Fazlur Rahman, Mr. (Dacca).
Fazlur Rahman, Mr. (Mymensingh).
Habibullah, the Hon'ble Nawab Bahadur K., of Dacca.
Hafizuddin Choudhuri, Maulvi.
Hamiduddin Ahmad Khan Sahib.
Hasanuzzaman, Maulvi Md.
Hawkings, Mr. R. J.
Heywood, Mr. Rogers.
Idris Ahmed Mia, Maulvi.
Ispahani, Mr. M.A.H.
Jalaluddin Ahmad, Khan Bahadur Maulvi.
Kabiruddin Khan, Khan Bahadur Maulvi.
Mafizuddin Ahmed, Dr.
Mandal, Mr. Jagat Chandra.
Maniruddin Akhand, Maulvi.
Mohammed Ali, Khan Bahadur.
Morgan, Mr. G., C.I.E.
Moslem Ali Mollah, Maulvi. M.
Muhammad Ibrahim, Maulvi.
Muhammad Ishaque, Maulvi.
Muhammad Israil, Maulvi.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Pulin Behary.
Musharruff Hossain the Hon'ble Nawab, Khan Bahadur.
Mustaqawsal Haque, Mr. Syed.
Nandy, the Hon'ble Maharaja Srischandra, of Cossimbazar.
Nasarullah, Nawabzada K.
Raikut, the Hon'ble Mr. Prasanna Deb.
Roy, Mr. Dhananjoy.
Roy, Mr. Patiram.
Sadaruddin Ahmed, Mr.
Sahebe-Alam, Mr. Syed.
Salim, Mr. S. A.
Sarkar, Babu Madhusudan.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja, C.B.E.
Shamsuddin Ahmed Khondkar, Mr.
Sirdar, Babu Litta Munda.
Smith, Mr.H. Brabant.
Steven, Mr. J. W. R.
Suhrawardy, the Hon'ble Mr. H. S.
Speller, Mr. J. H.
Tamizuddin Khan the Hon'ble Mr.
Tofel Ahmed Choudhury, Maulvi Haji.
Yusuf Ali Choudhury, Mr.

The Ayes being 34 and the Noes 77, the motion was lost.

The motion of the Hon'ble Mr. Tamizuddin Khan that a sum of Rs. 55,17,000 be granted for expenditure under the head "40—Agriculture" during the current year was then put and agreed to.

### 22—Interest on Debt and Other Obligations.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, on the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 2,000 be granted for expenditure under the head "22—Interest on Debt and Other Obligations" during the current year.

The motion was put and agreed to.

### 38—Medical.

**The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:** Sir, on the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 11,000 be granted for expenditure under the head "38—Medical" during the current year.

The motion was put and agreed to.

### 43—Industries—Cinchona.

**The Hon'ble Mr. PRASANNA DEB RAIKUT:** Sir, on the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 63,000 be granted for expenditure under the head "43—Industries—Cinchona" during the current year.

The motion was put and agreed to.

### 54—Famine.

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** Sir, on the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 1,00,000 be granted for expenditure under the head "54—Famine" during the current year.

The motion was put and agreed to.

### 56—Stationery and Printing.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, on the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 1,96,000 be granted for expenditure under the head "56—Stationery and Printing" during the current year.

The motion was put and agreed to.

### Interest-free Advances.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, on the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 30,50,000 be granted for expenditure under the head "Interest-free Advances" during the current year

The motion was put and agreed to.

### Loans and Advances by Provincial Governments.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, on the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 60,00,000 be granted for expenditure under the head "Loans and Advances by Provincial Government" during the current year.

The motion was put and agreed to.

### 37—Education—General.

**The Hon'ble Mr. A. K. FAZLUL HUQ:** Sir, on the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 6,80,000 be granted for expenditure under the head "37—Education —General" during the current year.

The motion was put and agreed to.

### 10—Forest.

**The Hon'ble Mr. PRASANNA DEB RAIKUT:** Sir, on the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 70,000 be granted for expenditure under the head "10—Forest" during the current year.

The motion was put and agreed to.

### Adjournment.

It being 8-15 p.m.—

The House was adjourned till 4-45 p.m. on Thursday, the 13th February, 1941, at the Assembly House, Calcutta.

## Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Thursday, the 13th February, 1941, at 4-45 p m.

**Present:**

Mr. Speaker (the Hon'ble Sir MUHAMMAD AZIZUL HAQUE, C.I.E., Khan Bahadur) in the Chair, 9 Hon'ble Ministers and 195 members.

## UNSTARRED QUESTIONS

**(to which answers were laid on the table)**

### Irrigation projects in districts of Bengal.

**34. Dr. NALINAKSHA SANYAL:** (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state—

(*i*) the names of the districts in which advantage has so far been taken of the new decentralisation policy for undertaking smaller irrigation works and the names and descriptions of the projects actually taken on hand up to the latest available date; and

(*ii*) the amounts of money contributed or proposed to be contributed by Government for each of the said projects?

(*b*) Will the Hon'ble Minister be pleased to state whether the Government are proposing to give any other assistance to the local authorities concerned in furtherance of their schemes for local irrigation?

**MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar):** (*a*) A statement is laid on the Library table.

(*b*) No. Not at present.

### Outstanding Starred Questions of the 6th of February.

**Mr. SASANKA SEKHAR SANYAL:** Sir, there are certain questions left over from the 6th February, 1941, which, I suggest, may be taken up to-day.

**Mr. SPEAKER:** Yes.

## STARRED QUESTIONS

### (to which oral answers were given)

### Durga Puja in Hooghly Mohsin College.

*31. **Khan Bahadur MAULANA AHMED ALI ENAYETPURI:** (*a*) Is the Hon'ble Minister in charge of the Education Department aware—

(*i*) that this year Durga Puja festival was performed in the Mohsin College, Hooghly; and

(*ii*) that objections were taken in the matter by the Muslim students of that College and their guardians?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what action, if any, has been taken in the matter?

(*c*) Is the Hon'ble Minister aware that there exists a feeling amongst the Muslim community over the matter?

**MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq):** (*a*) (*i*) No. The Puja was performed by the Principal as a domestic function within his quarters, which are located in the Southern wing of the College building, and not in any part of the College.

(*ii*) No, but objection was taken in other quarters.

(*b*) Does not arise.

(*c*) Yes.

**Mr. SURENDRA NATH BISWAS:** Will the Hon'ble Minister be pleased to state whether in view of his anwser "yes" to question (*ii*)(*c*), he has considered the desirability of informing the Muslim leaders concerned about the fact which he has stated in his answer (*a*)(*i*)?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** As a matter of fact, the whole matter has been satisfactorily settled, and no further action is necessary.

### Election of members of the Board of Wakfs.

*32. **Maulvi MUHAMMAD ISRAIL:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*i*) when the election of the members of the Wakf Board by the members of the Bengal Legislative Assembly took place; and

(*ii*) the reason for the delay in the appointment of the members of the said Board?

(*b*) Has the election of members by *mutwallis* been completed?

(*c*) If not, will the Hon'ble Minister be pleased to state the reason therefor?

(*d*) When is the next Board expected to commence functioning?

(*e*) What step has up till now been taken for the constitution of the new Board?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** (*a*) (*i*) On the 19th December, 1939.

(*ii*) The election of a member of the Board by the *mutwallis* has not yet been held.

(*b*) No.

(*c*) Elaborate rules governing the election had to be framed and other formalities to be completed, before the election could be held.

(*d*) The beginning of April next.

(*e*) Only the election by the *mutwallis* remains to be held.

**Financial difficulties of the District School Board of Mymensingh.**

***33. Maulvi MUHAMMAD ISRAIL:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether any deputation on behalf of the District School Board, Mymensingh, waited on him in Calcutta for the removal of the financial difficulties of the said School Board?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what action, if any, he has taken in the matter?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** (*a*) Yes.

(*b*) I hope to be in a position to make a subvention to the Board very shortly.

**Primary Education of the minority communities of Noakhali.**

***34. Mr. HARENDRA KUMAR SUR:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*i*) the present number of (1) boys and (2) girls of all denominations going to the Primary Schools in the Noakhali district; and

(*ii*) the number of (1) boys and (2) girls belonging to all minority communities?

(*b*) Will the Hon'ble Minister be pleased to state what action he proposes taking for safeguarding the interests of the minority communities of the district in matter of primary education?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** (*a*) (*i*) (1) Boys 89,714 and (2) girls 39,628.

(*ii*) (1) Boys 17,185 and (2) girls 9,797.

(*b*) The interests of minority communities have not been overlooked.

**Mr. SURENDRA NATH BISWAS:** Will the Hon'ble Minister be pleased to state whether he is satisfied that an adequate number of primary schools have been established in the quarters inhabited by the minority communities in the district?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** That is too large a question for me to answer.

**Mr. SURENDRA NATH BISWAS:** The Hon'ble Minister has said that the interests of the minority communities have been safeguarded. My question is——.

**The Hon'ble Mr. A. K. FAZLUL HUQ:** Attempts have been made to accede to the wishes of the minority communities and to attend to their wants. I do not know whether that has been to the satisfaction of the communities.

**Mr. SURENDRA NATH BISWAS:** Will the Hon'ble Minister be pleased to state whether he is aware that there is a feeling among the members of the Scheduled Castes community that a sufficient number of schools have not been established in the quarters inhabited by them?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** Much of the agitation on the matter is a got-up affair in which, I think, there is no sincerity.

### Old scheme madrasahs in Rangpur district.

*38. **Khan Bahadur SHAH ABDUR ROUF:** Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*a*) the names of old scheme madrasahs, if any, at present existing in the district of Rangpur; and

(*b*) the amount of grant if any sanctioned by the Government to any of those madrasahs?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** (*a*) Recognised (recently)—(1) Matherbazar Senior Madrasah and (2) Tabakpur Junior Madrasah.

Unrecognised—(3) Mahimaganj Junior Madrasah, and (4) Kumedpur Junior Madrasah.

(*b*) No Government grant was sanctioned to these madrasahs, as they were unrecognised. Two have, however, been recently recognised.

### Grant-in-aid to high English schools in Noakhali.

*42. **Mr. HARENDRA KUMAR SUR:** Will the Hon'ble Minister in charge of the Education Department be pleased to lay on the table a statement showing with respect to the Noakhali district—

(*a*) the present number of high English schools;

(*b*) the names of high English schools receiving Government aid since April, 1937;

(*c*) the date of affiliation of those schools by the Calcutta University; and

(*d*) the amount of monthly grant, received by each of the schools?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** A statement furnishing the information is laid on the table.

*Statement referred to in the reply to starred question No. 42, furnishing information regarding high English schools in the Noakhali district.*

(*a*) The present number of high English schools—43.

| (*b*) The names of high English schools receiving Government aid since April, 1937. | (*c*) Date of affiliation of these schools by the Calcutta University. | (*d*) Amount of monthly grant received by each of the schools. | | | |
|---|---|---|---|---|---|
| | | 1937-38. | 1938-39. | 1939-40. | 1940-41. |
| | | Rs. | Rs. | Rs. | Rs. |
| (1) Katghar High English School. | 1-1-1934 | 100 | 100 | 100 | 100 |
| (2) Muhammadpur High English School. | 1-1-1920 | .. | 100 | 100 | 100 |
| (3) Shahapur High English School. | 1-1-1938 | .. | 100 | 100 | 100 |
| (4) Sandwip High English School. | 1-1-1939 | .. | *125 | 125 | 125 |
| (5) Gopalpur High English School. | 1-1-1936 | .. | *120 | 100 | 100 |
| (6) Daganbhuiyan High English School. | 1-1-1940 | .. | .. | .. | 100 |

*For two months only.

**Failure of paddy crop in Malda district.**

*43. **Mr. ATUL CHANDRA KUMAR:** (*a*) Is the Hon'ble Minister in charge of the Revenue Department aware—

(*i*) that there has been a failure of the paddy crops in the Malda district this year; and

(*ii*) that there is a likelihood of distress prevailing in the district?

(*b*) If so, what steps do the Government contemplate taking in the matter?

**MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy):** (*a*) (*i*) There has been a partial failure of paddy crop in parts of the district owing to insufficient rainfall.

(*ii*) Distress is apprehended in some unions of Habibpur and Nachole police-stations.

(*b*) The situation is being carefully watched and arrangement is being made for re-excavation of some derelict tanks in the affected area under the Tanks Improvement Act, 1939, as a relief measure. Further measures will be taken if and when necessary.

**Mr. ATUL CHANDRA KUMAR:** Is the Hon'ble Minister aware that there has been distress in some other parts of the district also?

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** That is not my information as yet.

**Mr. ATUL CHANDRA KUMAR:** Will the Hon'ble Minister be pleased to state if other steps are also necessary to cope with the situation besides the re-excavation of derelict tanks, namely, advance of agricultural loans, etc.?

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** We have been distributing agricultural loans from time to time as we received requisitions from local officers. If such a requisition is received again, Government will certainly distribute agricultural loans.

**Mr. SURENDRA NATH BISWAS:** What is the amount of money that will be spent on the re-excavation of the derelict tanks which, the Hon'ble Minister says, have been undertaken as a relief measure?

**Mr. SPEAKER:** What do you exactly want? The situation is being watched, and steps are being taken.

**Mr. SURENDRA NATH BISWAS:** Sir, our point is that when distress prevails, inadequate measures only are taken.

**Mr. SPEAKER:** But Sir Bijoy has made it clear that when exigencies arise, Government try to render the fullest possible help.

**Mr. SURENDRA NATH BISWAS:** Sir, my submission is that relief is given to a very limited extent when it is wanted on a large scale. My question is whether the amount of money to be spent will give sufficient relief to the distressed people.

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** Sir, I could not follow exactly what information my honourable friend wants. It is not a definite question, and nobody can answer it. The amount will depend on the magnitude of the distress. To-day the distress appears to be due to a partial failure of crops, but it may develop and become serious. It is difficult for me to give any definite answer to this question.

**Mr. SASANKA SEKHAR SANYAL:** Why not say, as much as possible?

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** If that will satisfy my friends opposite, I say, as much as possible.

**Distress due to failure of paddy crops in Murshidabad district.**

*44. **Mr. SASANKA SEKHAR SANYAL:** Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*a*) whether there has been a general failure of paddy crops in Murshidabad this year;

(*b*) the reasons for such failure;

(*c*) whether acute distress has come to prevail in the said district; and

(*d*) what steps if any, the Government have taken or propose to take in the matter of—

(1) advancing agricultural loans, and

(2) re-excavating and opening tanks and water areas for irrigation and drinking purposes?

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** (*a*) The *aman* crop has failed in parts of the district of Murshidabad.

(*b*) Failure of monsoon is the main cause.

(*c*) Not yet.

(*d*) (1) Government have sanctioned a sum of Rs.20,000 for distribution as short-term crop loans and a sum of Rs.25,000 for distribution as ordinary agricultural loans. Further loans will be distributed when and where necessary.

(2) Government have sanctioned Rs.40,000 as Land Improvement loans to be distributed to the owners of tanks for the purpose of re-excavation of tanks, etc., in the affected areas. Arrangements are also being made to take up tanks under the Bengal Tanks Improvement Act, as test works.

I may just mention here that we have already taken up re-excavation of certain tanks. They have been already taken on hand.

**Mr. SASANKA SEKHAR SANYAL:** Will the Hon'ble Minister be pleased to state whether the money proposed on test work is being spent directly by Government agencies or through district boards?

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** No, directly by the Collector.

**Mr. SASANKA SEKHAR SANYAL:** Will the Hon'ble Minister be pleased to state why this departure has been made since on the previous occasion the money spent on test work was spent through district board agencies?

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** Government thought that if the money was spent directly through the Collector, it would be spent more profitably and better spent.

**Mr. SASANKA SEKHAR SANYAL:** May I know what is the connection between Government and district boards in the matter of these test works?

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** Only Government utilises the supervising officers of the district board in this connection.

**Mr. NISHITHA NATH KUNDU:** Will the Hon'ble Minister be pleased to state the reason for thinking that if it is spent directly by the Collector, it will be more profitably spent than if it had been spent by the district board?

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** There are certain facts which Government are not prepared to disclose at the present moment, but Government have come to a decision on facts so far as known to them.

**Recognition of Maheswarpasa School of Arts, Daulatpur.**

*45. **SJ. NARENDRA NATH DAS GUPTA:** Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*a*) whether students receiving training in schools of Arts, recognised by the Government of Bengal, are eligible for appointments in Government educational institutions; and

(*b*) whether the Maheswarpasa School of Arts, Daulatpur, is recognised by the Government of Bengal?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** Yes.

## UNSTARRED QUESTION

**(to which answers were laid on the table)**

**Hindu students reading in maktabs.**

**23. Rai HARENDRA NATH CHAUDHURI:** Will the Hon'ble Minister in charge of the Education Department be pleased to lay on the table a statement showing, district by district, the number of Hindu students (boys and girls) reading in maktabs at the present time in the Province? (If the figures for the current year are not available then those for the year 1939 may be stated.)

**The Hon'ble Mr. A. K. FAZLUL HUQ:** A statement furnishing the information is laid on the table.

*Statement referred to in the reply to unstarred question No. 23, showing, district by district, the number of Hindu students reading in maktabs on the 31st March, 1940.*

| Name of district. | Number of Hindu children. |
|---|---|
| 24-Parganas ... | ... 2,219 |
| Nadia ... | ... 2,312 |
| Murshidabad ... | ... 1,486 |
| Jessore ... | ... 3,216 |
| Khulna ... | ... 829 |
| Burdwan ... | ... 2,437 |
| Birbhum ... | ... 1,177 |
| Bankura ... | ... 263 |
| Hooghly ... | ... 1,561 |

| Name of district. | | Number of Hindu children. |
|---|---|---|
| Howrah | ... | ... 116 |
| Midnapore | ... | ... 2,190 |
| Dacca | ... | ... 9,576 |
| Mymensingh | ... | ... 3,436 |
| Faridpur | ... | ... 2,536 |
| Bakarganj | ... | ... 5,976 |
| Chittagong | ... | ... 6,561 |
| Noakhali | ... | ... 7,388 |
| Tippera | ... | ... ... |
| Rajshahi | ... | ... 1,017 |
| Dinajpur | ... | ... 1,654 |
| Rangpur | ... | ... 15,690 |
| Jalpaiguri | ... | ... 252 |
| Bogra | ... | ... 1,455 |
| Pabna | ... | ... 612 |
| Malda | ... | ... 547 |

**Rai HARENDRA NATH CHAUDHURI:** Will the Hon'ble Minister be pleased to state why no number or figure has been mentioned in the district of Tippera.

**The Hon'ble Mr. A. K. FAZLUL HUQ:** I cannot say. Perhaps there are none.

## Census.

**Mr. SASANKA SEKHAR SANYAL:** Sir, before you proceed to the other business of the day, may I have your leave to make submissions with regard to an adjournment motion regarding which you have refused consent.

So far as your order is concerned, Sir, of course I have nothing to complain about; I bow down to it, but may I seek your guidance as Speaker as to what should be done in the matter which was sought to be raised by the adjourned motion? Our Chief Minister in season and out of season has been flourishing statements in the Press in the matter of census operations and the last of these statements, was published in to-day's *Ananda Bazar Patrika*. Well, Sir, it is preposterous that the Chief Minister of the province who is not only the Chief Minister of the Muslims but also of other communities should

make a statement like that. He has simply called to direct action persons of his community, and he is seeking to terrorise the Hindu community and Hindu officers. Sir, the census is imminent and as a matter of fact we are going to have a recess of the Assembly because members of the Legislature are expected to go back to their constituencies for co-operation in the census in order to have a fair and proper census. It is extremely unfortunate, Sir, that the Chief Minister who is a highly paid Minister of this poor province should be seeking direct action by his own community, which will make the census a farce, because as a matter of fact if you read between the lines, it is purely a call to action by certain members of his community, and he seeks to terrorise the Hindu officers and the Hindu community. He also seeks to terrorise the Hindu enumerators and he also seeks to unnerve the Hindu community. Sir, we are here in this province; we must live together and we must be assured of an atmosphere in which a scientific census is possible. May we have your guidance as to how we can bring in this question before the House so that there may be a full, frank and honest discussion of the whole thing, because the Assembly is going to be closed soon. If any untoward thing happens in connection with the census, we shall have no remedy in our hands.

**Mr. SPEAKER:** This is a statement by one who might hold the position of a Minister, but who has spoken in his capacity as a member of a particular organization.

**Mr. SASANKA SEKHAR SANYAL:** But, Sir, he is a wholetime paid servant of the province. He cannot divest himself of his capacity as a Minister of the province.

**Mr. SPEAKER:** This is a matter which you can discuss during the General Discussion of the Budget.

**Mr. SASANKA SEKHAR SANYAL:** May I propose an alternative, Sir? The Chief Minister is agreeable to make a statement if you give your consent. If you agree, Sir, the matter may come in as a special motion.

**The Hon'ble Mr. A. K. FAZLUL HUQ:** I have no objection. I want to place all the facts before the House.

**Mr. ATUL KRISHNA GHOSE:** We will expose you.

**Mr. SASANKA SEKHAL SANYAL:** Sir, we shall then see if we can distinguish between Maulvi Fazlul Huq and the Hon'ble Mr. A. K. Fazlul Huq, the Premier of this province. He is eating the salt of the Hindus as much as of the other communities

**Mr. SPEAKER:** I cannot allow in this House any quarrel which obviously should be made, if at all, outside this House. Here I think the efforts of all sides should be, if I am permitted to say so, to try to meet in an atmosphere of amity and friendship. If perchance a quarrel outside is translated into this House, this Legislature will cease to function. The House will remember that there are questions which I had to disallow, but about which there may be some dissatisfaction. I do feel generally that these are matters which should be thrashed out outside, beyond getting information here which is absolutely necessary for us. I hope that for the time being the House will understand the attitude which I take so far as the functions of the Legislature are concerned, and I do once again appeal to the members to discuss matters like this, if at all, at the time of the General Discussion of the Budget. We should try to keep up the dignity of the House. Every one of us here functions as a member of the Legislature and not as respectively belonging to any particular creed or party.

**Mr. SASANKA SEKHAR SANYAL:** Sir, may we expect a dignified and sober statement from the Chief Minister in regard to a matter which is very serious and urgent?

**Mr. K. SHAHABUDDIN:** Sir, we strongly repudiate the suggestion that any statement of the Chief Minister is undignified.

**Mr. SPEAKER:** Order, order. I won't allow any further discussion.

## Message.

The Secretary then read the following message received from the Bengal Legislative Council:—

"That the Bengal Legislative Council at its meeting held on the 11th February, 1941, agreed to the Official Trustees (Bengal Amendment) Bill, 1941, without any amendments."

## Report of the Committee of Public Accounts.

**Mr. SPEAKER:** We shall now take up discussion of the Report of the Public Accounts Committee. Is there anybody who wants to speak on it?

**Rai HARENDRA NATH CHAUDHURI:** Yes, Sir. As one who had an opportunity to take his seat in the Public Accounts Committee and had to join in its deliberations and sign the report which is going

to be presented to-night, I think it is my duty to call the attention of the House to certain salient features of the report.

Sir, in the first place, I would invite the House to consider the fact that in the year 1938-39 we provided large amounts of money for the nation-building departments. But those moneys were not spent—not spent, because there were no schemes ready—and much of the expenditure voted had therefore to be surrendered. This is an ugly feature of the report on the accounts of 1938-39. I would refer pointedly to paragraph 10 of the report which says: "We observed an unusually large percentage of savings under heads like Irrigation (22·6), Agriculture (18·2), industries (15·1) and public Health (13·5)—all nation-building departments. In our previous report we recommended that efforts should be made to utilise the Budget provision under such heads without sacrificing efficiency. We repeat the recommendation this year and hope that money voted by the Legislature for such beneficent activities will be properly utilised in future." Sir, we want this assurance; and so far as the Public Accounts Committee is concerned, they are entitled to have this assurance from the Hon'ble Ministers in charge of the respective departments, that in the coming year they are not going to put forward demands—inflated demands, demands for which schemes are not ready—before the House and to get money from the House voted simply on assurance that is not gonig to be fulfilled. If money voted has got to be surrendered, it is not proper to take in the House with false assurances that schemes are there ready and awaiting execution and will be executed if only sufficient moneys are voted.

Secondly, I would invite the attention of the House to paragraph 11 of the report. There it is said: "In regard to the grant under Irrigation we observed that large amounts had been provided in the Budget which were subsequently not found necessary, and these were either surrendered or reappropriated and even after reappropriation considerable amounts were surrendered. We deprecate such procedure and hope that steps will be taken to secure closer budgeting in future."

Sir, we again say that this House is entitled to have an assurance from the Hon'ble Minister in charge that the Public Accounts Committee henceforth will not have occasion to indite such remarks.

Then, Sir, I would draw the attention of the House to paragraph 12 of the report. There it is said that "we came across several instances in which large savings occurred in lump provisions which were included in the Budget without the formulation of detailed schemes. Although we realise that lump provisions may be unavoidable in exceptionable cases, we strongly deprecate the inclusion of lump provisions in the absence of detailed schemes." I hope that the Hon'ble Minister in charge of Finance will henceforth scrutinise the demands of the respective departments and will not permit such demands to be put

forward as have no reference to detailed schemes, as are not required for the execution of fully mature schemes—demands that are put forward simply for the purpose of window-dressing. The Hon'ble Finance Minister will, I hope, realise that at such times when we are so hard up for money, no department should be allowed to have unnecessary money at the sacrifice of the interests of other departments which are suffering for want of money.

Then, Sir, there is another very important recommendation in paragraph 17 of the report. It runs thus: "We note that the lump provision included in the Budget in connection with a scheme for the removal of flood water in Kasba and other outlying areas of the Tollygange Municipality could not be utilised as the details of the scheme could not be settled. We understand that these details have not yet been finally settled. We recommend that the scheme which is an extremely urgent one should be carried out as expeditiously as possible." Time and again the attention of the House and the attention of the Hon'ble Minister in charge of this department has been drawn to the sorry state of affairs that is prevailing in the Tollygange municipal area and how the people there are suffering year after year from partial deluge. It is truly a scandalous state of things that is prevailing if not within the town of Calcutta in an area close to it—an adjacent area. It is seriously affecting the health and well-being of the local people and may affect even the health of the town of Calcutta. I would, therefore, press upon the attention of the Hon'ble Minister in charge the urgent necessity of settling the scheme and of providing the necessary amount in the Budget to carry out this scheme.

Sir, in conclusion, I would consider it my duty to thank the Hon'ble Finance Minister who conducted his duties as Chairman of the Public Accounts Committee with that tact and consideration for which he deserves thanks from all sections of the House. Although we do not agree on principle to the Finance Minister's presiding over the deliberations of the committee, yet I must state it frankly that far from stifling any discussion, the Hon'ble Mr. Suhrawardy showed a rare readiness—I say, rare on his part—to consider the points raised by the different members whether they belonged to the Opposition or to his own group. It was remarkable as it was rare, for we do not find him usually in such an appreciative mood in this House at least.

**Mr. SASANKA SEKHAR SANYAL:** Since my honourable friend Mr. Chaudhuri has paid such a compliment to the Hon'ble Mr. Suhrawardy, I will not break the tune by straying into any bitter note. But since Rai Harendra Nath Chaudhuri was himself a party to this precious book, he has got reasons for entertaining such a leaning towards his colleague with whom he sat together on the Public Accounts Committee. But to a scientific observer who goes through this book

which was published and circulated to us, there are two things which strike as very remarkable. One is that the Hon'ble Finance Minister who presumably with the consent of the Cabinet talks of schemes in the speech while introducing the Budget really is not aware of those schemes himself. Sir, it is pathetic and as my friend has just pointed out, large sums of money which have been collected on the plea of nation-building activities have not been spent at all. Why? Not that there are no reasons of necessity for such money being spent, but that the Cabinet which grabs at the money from the Legislature is unable to use it on proper schemes. Now, Sir, it indicates, if it indicates anything at all, the absolute bankruptcy of imagination on the part of the present Cabinet, and in order to remedy this bankruptcy, I would make a suggestion to the Hon'ble Finance Minister, and I hope he will consider this question in his rare mood as referred to by my friend here. Sir, when money is asked for in Budgets, either main or supplementary, this House is carried blindfolded because there is a glamorous talk of schemes here, there and everywhere, but whether those schemes are translated into action or not, money is sanctioned and is in their hands and ultimately it cannot but be surrendered. So in order to get out of this difficulty or this undesirable state of affairs which has occurred from year to year, it is necessary, in the interests of proper comprehensive schemes for spending the money allotted, to have a small committee consisting of representatives of different parties and groups of this House, so that the Hon'ble Finance Minister before asking for the sanction of the Legislature might place those schemes —and those schemes will be the schemes of the Cabinet as representing different departments and portfolios—before this small committee. These schemes may be placed before a small committee and that small committee by acquiring their own wisdom and, if necessary, also by taking the assistance of experts would decide as to whether the schemes which have been outlined as referred are really practicable and capable of being put into execution in the current or the coming year. Since we came to this House, from the very day of the beginning of this Legislature, we have heard of the Waterways Board. It raised very high hopes in our minds because our province is fundamentally a province of rivers and tidal streams; and the waterways problem is one of the burning problems of this province. So, as soon as the talk of the Waterways Board came into our ear, the thinking section of the people were inspired by high hopes that something was going to be done which would go at least partially towards the solution of a long-standing problem which was neglected by the bureaucratic Government composed as it was of persons who were in charge of the Irrigation Department. They were not men of this province nor had they any idea of the province. But pathetically we find from this book that when the Superintending Engineer was consulted as to why the money which was taken for the Waterways Board was not spent, he gave a pathetic

reply that the Waterways Board scheme had been dropped. But why was it dropped? Not that the problem has ceased to exist, not that the problem has ceased to be a burning problem of the province? It has been dropped because the Hon'ble the Finance Minister in Budget after Budget devoted paragraph after paragraph to the fascinating schemes of Waterways Board, still neither the members of the Cabinet nor the officers of the department have any real constructive scheme for tackling the problem. In this connection, Sir, if I am permitted to complain, I would complain—I will have the indulgence of complaining—to my friends of the Coalition Party against this. Everybody knows why the Waterways Board scheme has been dropped. It was to feed certain vanities and interests, certain petulant demands and desires of certain groups to my left. But it is expected of the members of the Coalition Party who practically are piloting the Government—even if the members of the Cabinet cannot get out of the white European influence, still it is desired and expected of the members of the Coalition party who represent the villages of Bengal to get out of this oppression of the European domination of the Cabinet and to force the Cabinet into taking steps which would be consistent with the welfare of the province as a whole. I take it as a standing disgrace to this House including the Coalition Party and the members of the Opposition also that neither the Coalition Party nor the Opposition has been able to compel the Cabinet to do anything substantial towards the solution of the river problem in Bengal. Similarly, Sir, it takes one's breath away when we find that only 18·2 per cent. of the total expenditure was devoted to the very big problem of agriculture. Our country is primarily an agricultural country. It has been said times without number and it has been said *ad nauseám* that we in this province live or die in agriculture. But how is it, Sir, that only 18·2 per cent. of the allotted revenue has been absorbed by this big scheme? Here also the research question could not be the question——

**Mr. SPEAKER:** That is not the subject matter of discussion which is raised on the report of the Public Accounts Committee. You should confine yourself to the proportion of the total revenue which is allotted to agriculture.

**Mr. SASANKA SEKHAR SANYAL:** All right, Sir, I drop that paragraph.

Sir, the savings were made on account of certain schemes not being pursued and ultimately the money had to be surrendered. In this connection I submit, as I said before, that we do not try to drag the Cabinet into our own scheme. Let the Cabinet formulate their own schemes on Industries, Agriculture, Public Health and Irrigation. Let these schemes be placed before a committee, let the possibilities and probabilities of the schemes be considered in detail by that committee,

and then let the schemes go back to the Cabinet with the remarks and observations of this committee. Then the committee will be in a more clear position in the matter of schemes and in the matter of spending the money which is received through the Budget.

Sir, there is another matter. The surrender is not the only feature of this unspent money. There is also some diversion to other avenues. Of course, the members of the Public Accounts Committee by their comments and criticisms have corrected the previous irregularities of the Cabinet or the Finance Department to a certain extent or to a great extent, but still it appears from this book that the old habit of diverting money into other schemes has not yet been got rid of by the Cabinet. It is a very serious affair, Sir. We are asked to contribute money for certain schemes. If perchance the scheme cannot be put into operation, the money should go back to the general revenues so that in the event of any other scheme being passed by the House, the money could be properly spent on that scheme. But it is a criminal offence on the part of the Cabinet to divert money on one account to another without the sanction and consent of the Legislature. So I submit, Sir, that the Hon'ble Minister should give us an assurance to remedy this state of affairs so that we may feel that the controversies which have been raised and discussed will gradually disappear in course of time.

**Mr. NIHARENDU DUTTA MAZUMDAR:** I am not going to make any speech, Sir; I wish only to draw the attention of the House to certain points so that the Hon'ble Minister might in his reply explain those points. We find at a glance at the report an unusually large percentage of savings under the heads Irrigation, Agriculture, Industries, Public Health, etc., in section 10 of the Appropriation Accounts Report.

**Mr. SPEAKER:** That has been discussed already.

**Mr. NIHARENDU DUTTA MAZUMDAR:** Yes, Sir; but I am asking my question with a view to draw the attention of the Hon'ble the Finance Minister. Then we find large sums of money had been placed at the disposal of the District Officers as discretionary grants without formulating any rules for their guidance as to how that money should be spent by them. Will the Hon'ble Minister in charge of Finance explain the effect of showing such items of expenditure in the Budget which in reality are never carried out? He shows before the House and the public outside that a certain proportion of the revenues is earmarked for nation-building purposes, for public utility purposes, etc., and is therefore devoted to justifiable items of expenditure. Now, if at the end of the year we find, what has been criticised often enough, that for want of definite schemes the funds so

allotted have not been spent at all, but diverted into other channels, then, in that case, does not the Budget as presented before the House become a sort of illusory thing, a mere eyewash which creates an altogether false impression upon the House as well as upon the public outside? It means,—if I may be permitted to use the term,—obtaining money on false pretences. I should like the Hon'ble the Finance Minister to explain as to what steps he is going to take and what lesson does he draw from this particular report to which he has been a signatory. It is a document of confessions which he has made in company with the members of the committee who drew up this report, and I should like to have a proper explanation from the Hon'ble the Finance Minister for the benefit of this House and also to know what steps the Hon'ble the Finance Minister is going to take to ensure that in future grants which the House will be called upon to make will not amount to obtaining the same on false pretences on his part.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, I would like to thank Rai Harendra Nath Chaudhuri for his very kind remarks about what he characterises as a rare mood which I displayed at the time when I had the honour of acting as the Chairman of the Committee of Public Accounts. Sir, this mood was prompted by the fact that I found all the members, including the members of the Opposition, desirous of co-operating and of being helpful in their criticism. Sir, the Finance Department welcomes helpful criticisms in the matter of accounts and probably no department is more anxious to see that accounts are properly maintained and that the expenditure is properly incurred than the Finance Department, for which reason it incurs a certain degree of odium from other departments. It is for this reason, Sir, that I have been more than a willing signatory to the report of the Committee of Public Accounts and we in the department are most anxious always to implement the decision of the Committee of the Public Accounts and to see year after year that the manner of expenditure in Government improves.

Sir, the report refers to accounts of the year 1938-39, and I do not think that it is quite fair for Mr. Sasanka Sanyal to blame me for having put in lump provisions. (Mr. SASANKA SEKHAR SANYAL: I have blamed the department.) Mr. Sanyal states that this Finance Minister talks about various schemes, but he does not know what schemes there are, as will be seen from the report of the Public Accounts of 1938-39 where lump provisions have been made for schemes which do not exist. Now, I speak of schemes during my régimé, but I am even prepared to say that lump provisions are in some cases unavoidable, but they are certainly to be deprecated. We are minimising these lump provisions as much as possible, but they have a little value and that little value is this, that sometimes it does give an amount of——(Rai HARENDRA NATH CHAUDHURI: Publicity.) No, not publicity but of direction to

the department concerned to hasten the schemes which they have placed before the Cabinet, but which they have not completed in all their details, and sometimes it has happened that owing to these provisions the schemes have been taken up in the course of the year, though the entire lump provision has not been utilised. As I have stated, Sir, I deprecate such lump provisions, and I do not think that they ought to be included in the accounts, and we shall make every attempt to see that these lump provisions are not so included and if they are included to justify them before the House for very valid reasons.

Sir, there is little else to be said on the report. I am grateful to the committee for their very helpful criticisms which they have offered to the Finance Department, and I can only hope that I may have the benefit of the advice of such committees in future.

## Excess Grants for the year 1938-39.

**Mr. SPEAKER:** Mr. Suhrawardy, will you move your demand?

**The Hon'ble Mr. H. S. SUHRAWARDY:** Yes, Sir. On the recommendation of the Governor I beg to move that an excess grant of Rs 2,293 be voted by the Assembly to regularise the expenditure incurred in excess of the voted grant in the year 1938-39 under the major head "13—Other taxes and duties."

On the recommendation of the Governor, further I beg to move that an excess grant of Rs. 1,34,198 be voted by the Assembly to regularise the expenditure incurred in excess of the voted grant in the year 1938-39 under the major head "55—Superannuation Allowances and Pensions, etc."

The reasons, Sir, for these excesses have been set forth in Appendix II at page 61 of the Public Accounts Committee's report.

**Mr. SYED JALALUDDIN HASHEMY:** On a point of order, Sir. Supposing we refuse to accept the recommendation of the Public Accounts Committee, who will be responsible? Will it be a charge on the Finance Minister or the Ministry as a whole?

**Mr. SPEAKER:** I might explain the legal position. If this money is not voted, then the gentlemen who are responsible for the disbursement will have to reimburse the money, unless the money is again sanctioned on a fresh vote before the House.

**Mr. SASANKA SEKHAR SANYAL:** Sir, before you put the question, may I ask the Hon'ble the Finance Minister to answer two questions as to when was this excess discovered? Was it discovered before the Committee of Public Accounts found out this excess?

**Mr. SPEAKER:** I take it, it was discovered by the Auditor-General.

**Mr. SYED JALALUDDIN HASHEMY:** This money has been barred by limitation. (Laughter.)

**Mr. SASANKA SEKHAR SANYAL:** It transpired only during the audit report.

**The Hon'ble Mr. H. S. SUHRAWARDY:** No, no. This expenditure is incurred and is reported to the Auditor-General, and the Auditor-General in his report mentions the fact that this excess expenditure has been incurred.

**Mr. SPEAKER:** I might explain the whole position of this audit. It is this. It is this House which sanctions the money. There are other moneys which are spent by virtue of certain statutory authorities. If that money is spent at the time of the expenditure, especially towards the last, it is quite possible that sometimes more money than has been sanctioned is actually disbursed, but it is the duty of the Finance Department to see that it is properly done. Sometimes it may be unavoidable. For example, in this case there was a supply of services and they had to be paid and therefore the present motion is to regularise it.

**Mr. SASANKA SEKHAR SANYAL:** In view of what you just said, may I ask the Hon'ble the Finance Minister as to why this matter was not asked for in several supplementaries and main Budgets which were in between the time of the excess expenditure and to-day.

**Mr. SPEAKER:** They cannot be supplementaries.

**Mr. SASANKA SEKHAR SANYAL:** Before the money was spent when the necessity for excess was found, the matter might be brought into the Supplementary Budget.

**Mr. SPEAKER:** If you see the Explanatory Memorandum you will find that there was no time.

**Mr. SYED JALALUDDIN HASHEMY:** Let us refuse this grant and let the Minister pay the amount.

**Mr. SASANKA SEKHAR SANYAL:** Sir, before you put the question, may I make a submission? We are going to vote it, but we want to make it clear to the Hon'ble the Finance Minister that we do not approve of this sort of excess expenditure made without the sanction

of the House. We simply want to caution the Hon'ble Minister against that, but since all parties have made the recommendation in the Public Accounts Committee Report we are not going to vote against it, but we want to administer that caution.

**The Hon'ble Mr. H. S. SUHRAWARDY:** May I point out that the Public Accounts Committee would not make this recommendation if they were not satisfied that the expenditure was unavoidable?

The motion of the Hon'ble Mr. H. S. Suhrawardy that an excess grant of Rs. 2,293 be voted by the Assembly to regularise the expenditure incurred in excess of the voted grant in the year 1938-39 under the major head "13—Other Taxes and Duties" was then put and agreed to.

The motion of the Hon'ble Mr. H. S. Suhrawardy that an excess grant of Rs. 1,34,198 be voted by the Assembly to regularise the expenditure incurred in excess of the voted grant in the year 1938-39 under the major head "55—Superannuation Allowances and Pensions, etc." was then put and agreed to.

**Mr. SPEAKER:** Before this matter is closed, I would just like to know on behalf of the House as to whether it is not a fact that this report of the Public Accounts Committee was placed before another House for discussion.

**The Hon'ble Mr. H. S. SUHRAWARDY:** It was placed before the other House for discussion after it was placed here, but not before.

**Mr. SPEAKER:** Was it placed there for discussion at all?

**Hr. Hon'ble Mr. H. S. SUHRAWARDY:** Yes, Sir.

**Mr. SPEAKER:** I must say on behalf of the House that it was a highly irregular act on the part of the department to place a report which is entirely for this House and arising out of a committee of this House in the absence of some statutory sanction or sanction by the Rules and Orders.

**Mr. SASANKA SEKHAR SANYAL:** Apologise, apologise! (Laughter.)

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, we have followed the same procedure this year as was followed without objection in previous years, but we have discovered that it is not proper, and I have

accepted that position, that it is improper that the report of a Public Accounts Committee of this House should be the subject matter of discussion in another House, and if they have to discuss it, it should be on report by a Joint Public Accounts Committee of both the Houses or a committee of their own House. A joint committee can only be of both the Houses.

**Mr. SPEAKER:** That is a point on which I am not in a position to give an opinion. I believe the Hon'ble Finance Minister will remember that anything affecting the question of finance is the prerogative of this House and this House alone. The whole constitutional convention of Parliamentary institutions has been built up not merely in its direct issues but in its implications on the basis that it is the prerogative of this House.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Am I to understand that so far as supplementary estimates, audit reports or appropriation reports are concerned, they cannot even be discussed in the other House? Is that your view?

**Mr. SPEAKER:** At this stage I am not prepared to give any opinion on this matter, but I do feel that the question of finance is the prerogative of this House, and it is the duty of the Government to build up the convention on the basis that the question of finance is a matter which is only to be exercised by this House. Whether the Government of India Act permits certain procedure with regard to matters relating to finance to be placed before the other House is a matter on which I am not entitled to say anything. There are certain financial matters which have to be placed there, for example the Budget, the audit report, etc. I have no quarrel with that. All I say is that beyond the statutory provisions there should not be anything. At least I do hope that the House will support me in this that there should not be any infringement of the right or any departure which might ultimately lead to taking away any power from this House.

**Mr. JOGESH CHANDRA GUPTA:** I suggest that the contempt of this House by the Finance Minister be purged by a decent dinner. (Laughter.)

## Report of the Public Accounts Committee.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, I beg to place before the House the Appropriation Accounts for 1939-40, the Finance Accounts for 1939-40 and the Audit Report, 1940.

## GOVERNMENT BILL.

### The Bengal Finance (Sales Tax) Bill, 1941.

**Mr. SPEAKER:** The House will now resume further discussion of the Bengal Finance (Sales Tax) Bill.

**Maulvi ABU HOSSAIN SARKAR:** On a point of information, Sir. Through you, Sir, I want to know from the Finance Minister whether it is a fact that a great hartal is taking place in the city of Calcutta as a protest against the proposed sales tax.

**Mr. SPEAKER:** That is not a subject-matter for discussion.

*Clause 2.*

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, I beg to move that in sub-clause (*h*) of clause 2 after the words "or other valuable consideration" the words "including a transfer of property in goods involved in the execution of a contract" be inserted.

Sir, the definition of "sale" should be comprehensive to include all sales in whatever circumstances they are made.

**Mr. I. D. JALAN:** Sir, with regard to this amendment moved by the Hon'ble Finance Minister, I say that it is unnecessary because the definition of "sale" means any transfer of property in goods, whether it is involved in the execution of a contract or otherwise. Whatever it is, the mere definition that "sale" means any transfer of property in goods is quite sufficient, and I do not understand as to why this amendment is necessary.

The motion of the Hon'ble Mr. H. S. Suhrawardy that in sub-clause (*h*) of clause 2 after the words "or other valuable consideration" the words "including a transfer of property in goods involved in the execution of a contract" be inserted, was then put and agreed to.

**Mr. ATUL KRISHNA GHOSE:** Sir, I beg to move that in clause 2(*i*), in line 1, for the word "payable" the following words be substituted, namely:—

"Actually paid in one or more instalments to the dealer."

I beg also to move that in clause 2 (*i*), in line 1, for the word "payable" the word "paid" be substituted.

Sir, in moving my amendments, I do not know how the Hon'ble Finance Minister will adjust the whole affair in its practical application. Only a few minutes back my esteemed friend Mr. Abu Hossain Sarkar

was enquiring whether the Hon'ble Finance Minister is aware of the fact that there is a great hartal in the city of Calcutta as a protest against this tax——

**Mr. SPEAKER:** That is not relevant.

**Mr. SASANKA SEKHAR SANYAL:** Sir, it is your own saying that a clever lawyer can make anything relevant!

**Mr. ATUL KRISHNA GHOSE:** Perhaps the Hon'ble Finance Minister is sleeping over the whole issue. However clever and intelligent he may claim to be, I do not think that he will be able to adjust the whole affair when he will come to the question of its practical application. He may carry his motion and the whole Bill by virtue of the majority of votes he commands in this House, but I do not think that he will be able to adjust this Bill to the business world which is neither guided by the votes of this Assembly, nor by the demand and supply issues of Bengal only. It may be convenient for the Hon'ble Finance Minister to have a tax on the amounts payable to the dealer, but does he actually think over the situation whether the amount payable to the dealer will be actually paid or not? Does he mean that whether the dealer realises the full amount or not, whether the dealer may be in a position to recover the whole amount from his customer or not, he will have to pay the full tax for the benefit of the Hon'ble Finance Minister? In the business world, it frequently happens that though a dealer may expect Rs. 1,000 from his customer, he ultimately realises only Rs. 500. There are cases of bad debts. It is a widely known custom with big firms that they always set apart a certain percentage as bad debts. Under the circumstances, does the Hon'ble Minister think that he will not take into consideration the bad debt or the liquidation of any company who may be liable for that amount? Is it suggested that the dealer will still have to pay the amount in full? That is the question which I ask the Hon'ble Minister to reply to.

Then, Sir, the other question arises in this sense. The amount may be payable from a customer to the extent of Rs. 1,000. Suppose, for instance, that amount is paid in the course of three years and in the business world, that always happens. We have got to give articles on credit and that credit is fully recovered in the course of two or three years. Under such circumstances, does the Hon'ble Minister want that the dealer will have to pay the full tax in advance, even though he may realise the money in the course of three successive years? These are the two issues which are involved in my amendment. I have no intention to detain the House with any further explanation. The Hon'ble Minister claims to be a clever man, and I would like him to give a direct reply to these issues which arise out of this amendment.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, in reply to the question of hartal, I understand that the hartal has been made under the initiative and manipulation of traders and merchants and middlemen, and this shows that the view that they take is that this Bill is going to hurt them and that the tax will not be passed on to the consumer. However, that is their lookout.

Sir, I cannot accept the amendments, because the idea presumably underlying the amendments is that the tax should be paid on the amount of money realised. The sale price cannot be what is paid. The sale price is what is payable. For instance, you purchase a thing for Rs. 1,000; that is the amount which is payable, and even if you were to pay Rs. 500, the sale price cannot be Rs. 500. The sale price must continue to be a thousand rupees. The object apparently of Mr. Atul Krishna Ghose's amendment is that the tax should not be on Rs. 1,000, that is, the price payable, but on the amount actually paid. Now, that is not met by making the definition of "sale price" meaningless; that can be met in other ways. As a matter of fact, it has been met by the Select Committee by adding a proviso to clause 4(*1*) namely:—

> "Provided that the tax shall not be payable in respect of any sale or contract prior to the receipt of the sale price thereof by the dealer firm."

But I believe that we have found a better way out of it, and I am suggesting in an amendment which is amendment No. 32, namely:—

> "'Turnover' means the aggregate of the amounts of sale prices and parts of sale prices received by any dealer during a given period."

If we accept this amendment, then the taxation will be on the amount actually paid. There is a further advantage in this definition of "turnover". It meets the difficulty arising out of the hire-purchase system.

The motion of Mr. Atul Krishna Ghose that in clause 2 (*i*), in line 1, for the word "payable," the following words be substituted, namely:—

> "Actually paid in one or more instalments to the dealer,"

was then put and lost.

The motion of Mr. Atul Krishna Ghose that in clause 2(*i*), in line 1, for the word "payable" the word "paid" be substituted, was then put and lost.

**Mr. H. R. NORTON:** Sir, I beg to move that in clause 2 (*i*) (*a*), after the word "practice," in line 3, the words "and less any sum added to such valuable consideration representing the amount of the tax payable under this Act on the transfer" be inserted.

Sir, I move this amendment, because I feel sure that the Hon'ble the Finance Minister does not wish the seller to pay a tax on the tax.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, I would suggest that Mr. Norton should withdraw his amendment because I have, I think, a better amendment which is amendment No. 113. I do realise the force of the amendment which he has moved, namely, that the tax should not be levied on the tax collected, but should be levied only on the price of the article. I hope the amendment which I have suggested in No. 113 of the list of amendments will meet his point, and he will withdraw the amendment which he has moved.

**Mr. ISWAR DAS JALAN:** Sir, in amendment No. 113 it has been provided that one per centum of the balance remaining after making the deductions allowed by paragraphs (*a*) to (*e*) thereof shall be deducted from the total turnover. I think the Hon'ble Minister is referring to that amendment. But the tax is Re. 1 annas 9 per cent., and why should a reduction be made of only one per centum?

**The Hon'ble Mr. H. S. SUHRAWARDY:** I am not taking away one per centum after the addition. We have calculated at 1·56 per cent. and one per centum out of that is to be deleted, and the tax to be collected will be the balance.

**Mr. H. R. NORTON:** Mr. Speaker, Sir, in view of the assurance given by the Hon'ble Minister, I beg leave to withdraw my amendment.

The motion of Mr. H. R. Norton that in clause 2(*i*) (*a*), after the word "practice," in line 3, the words "and less any sum added to such valuable consideration representing the amount of tax payable under this Act on the transfer," be inserted, was, by leave of the House, withdrawn.

**Mr. ISWAR DAS JALAN:** Sir, I beg to move that in clause 2(*i*) (*a*), in line 3, after the word "practice" the words "and the amount of tax payable under this Act in respect thereof" be inserted.

Sir, I am not satisfied why should it be one per cent.

**Mr. SPEAKER:** He has made only an adjustment at 1·56 per cent.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, there is one further objection to this amendment of Mr. Jalan which was not present in the amendment of Mr. Norton. This would result in the dealer getting some undesirable rebates for he will get a rebate on all his credit sales, even though he has not paid the tax on those sales.

The motion of Mr. Iswar Das Jalan that in clause 2 (*i*) (*a*), in line 3, after the word "practice" the words "and the amount of tax payable under this Act in respect thereof" be inserted, was then put and lost.

**Mr. H. R. NORTON:** Mr. Speaker, Sir, I beg to move that in clause 2(*i*) (*a*), after the word "delivery" in line 7, the words "or the cost of installation" be inserted.

Sir, this amendment provides that the sale price should not include the cost of installation where such cost is separately charged. For instance, with radios and refrigerators, which do not come within the class of contracts, there would be installation charges which, I am sure, it is not the intention to tax. I hope, therefore, the Hon'ble the Finance Minister will accept my amendment.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Yes, Sir, I agree that the cost of installation cannot be included. This was an oversight. I accept the amendment.

The motion of Mr. H. R. Norton that in clause 2 (*i*) (*a*), after the word "delivery," in line 7, the words "or the cost of installation" be inserted, was then put and agreed to.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, I beg to move that for sub-clause (*j*) of clause 2, the following be substituted, namely:—

> "(*j*) 'turnover' means the aggregate of the amounts of sale prices and parts of sale prices received by any dealer during a given period, and".

Sir, I have explained the reason for this amendment.

The motion of the Hon'ble Mr. H. S. Suhrawardy that for sub-clause (*j*) of clause 2 the following be substituted, namely:—

> "(*j*) 'turnover' means the aggregate of the amounts of sale prices and parts of sale prices received by any dealer during a given period, and",

was then put and agreed to.

The question that clause 2 as amended stand part of the Bill was then put and agreed to.

*Clause 3.*

**Mr. SPEAKER:** Amendment No. 34 does not arise as the "Deputy Accountant-General" is a Government of India officer over whom this Government have no control.

**Mr. SASANKA SEKHAR SANYAL:** Sir, I beg to move that in clause 3(*1*), line 4, after the word "fit," the words "provided that such appointment shall be made from Munsifs in actual service" be inserted.

As a matter of fact, Sir, I had no desire to move my amendment because of amendment No. 34 which is better than mine. But since there is some difficulty with regard to the latter amendment, I formally move my amendment. The reason is that among other arguments the executive officers who are likely to be appointed are so overworked that they may be relieved of this multifarious work which, I think, should be done by the munsifs who have not much work to do. Let us give them some work. Besides, Sir, even to-day there is some confidence which these officers inspire. The point of my amendment is to put this work in the hands of other agencies than the executive.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, it is essentially executive business, and with great respect for the munsifs who are very hardworked officers and for whom we have the greatest respect, I do not quite think that they will be a very suitable agency for this work.

The motion of Mr. Sasanka Sekhar Sanyal that in clause 3(*1*), line 4, after the word "fit," the words "provided that such appointment shall be made from munsifs in actual service" be inserted, was then put and lost.

The question that clause 3 stand part of the Bill was then put and agreed to.

*Clause 4.*

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, I beg to move that at the beginning of sub-clause (*1*) of clause 4 the words and figures "subject to the provisions of sections 5 and 6" be inserted.

Sir, this is an oversight. Section 4 is contrary to sections 5 and 6, unless we add these words.

**Mr. SASANKA SEKHAR SANYAL:** Sir, may I point out one thing? Originally in the printed agenda after the figures "5 and 6" all that was there. Why has it been cancelled?

**Rai HARENDRA NATH CHAUDHURI:** It is necessary.

**Mr. SPEAKER:** "And" may be there or it may not be there. It means the same thing.

**Mr. SASANKA SEKHAR SANYAL:** The Hon'ble Minister originally tabled the right amendment, but ultimately came out of it.

The motion of the Hon'ble Mr. H. S. Suhrawardy that at the beginning of sub-clause (*1*) of clause 4 the words and figures "subject to the provisions of sections 5 and 6" be inserted, was then put and agreed to

(At this stage the House was adjourned for fifteen minutes.)

*(After adjournment.)*

**Mr. SURENDRA NATH BISWAS:** Sir, I beg to move that in sub-clause (*1*) of clause 4, lines 5-6, for the words beginning with "preceding" and ending with "exceeded" the words "following the commencement of this Act exceeds" be substituted.

Sir, if my amendment is accepted, sub-clause (*1*) of clause 4 will read as follows:—

> "With effect from such date as the Provincial Government may, by notification in the Official Gazette appoint, being not earlier than thirty days after the date of the said notification, every dealer whose gross turnover during the year immediately following the commencement of this Act exceeds the taxable quantum shall be liable to pay tax under this Act on all contracts entered into, and sales effected after the date so notified."

Sir, if my amendment is not accepted, what will be the implication of this sub-clause? The implication will be that a dealer whose gross turnover during the year 1940-41 during which this Act will not come into force has exceeded the taxable quantum will be liable to pay tax from 1940-41. Then, if we read sub-clause (*3*) together with sub-clause (*1*), we find that even if his gross turnover does not exceed the taxable quantum, he will be made liable to pay the tax for three consecutive years. That means that a dealer who continues his business on 1st April, 1941, will be liable to pay the tax if his gross turnover during the previous year exceeded the taxable quantum. Not only will he be liable to pay the tax for 1941-42, but also for two more consecutive years under sub-section (*3*), even if his gross turnover does not exceed the taxable quantum during those years. He will not get the opportunity of passing on the tax to the consumer. The principle underlying this Bill is, as has been stated by the Hon'ble Finance Minister in his printed statement as well as in his speeches in the

Assembly—even to-day he has said so—that the tax will be eventually passed on to the consumer. But the dealer to whom I have just referred will not be able to pass on the tax to the consumer. I submit that if this sub-clause (*l*) be passed without my amendment, it will cause great hardship to many dealers whose gross turnover during the current year will exceed the taxable quantum. So, I hope that the members of this House will appreciate the hardship that will be caused to the dealers to whom this tax will certainly be a death blow in many cases and will support my amendment. I commend my amendment to the acceptance of the House.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, my friend Mr. Surendra Nath Biswas has misunderstood the purport of this section. If the effect of this section was that a person whose turnover was above the taxable quantum in 1940-41 would have to pay the tax for the sales effected in 1940-41, then I would certainly have taken steps to amend the section. This turnover of 1940-41 is merely a criterion of registerbility. The tax will be paid on the turnover of 1941-42 after the Act is brought into force, and if my friend would look at amendment No. 43 which I am going to move, he will see that I have made it quite clear that no tax shall be levied on sales in the execution of a contract entered into on or before the date notified.

**Mr. SURENDRA NATH BISWAS:** That is also in the proviso. What I mean to submit is——

**Mr. SPEAKER:** Nobody is to pay any tax except for the year in which the tax is levied.

**Mr. SURENDRA NATH BISWAS:** On what will he pay the tax? Take the case of a person whose gross turnover will not exceed the taxable quantum during the year 1941-42.

**The Hon'ble Mr. H. S. SUHRAWARDY:** He will merely register himself.

**Mr. SURENDRA NATH BISWAS:** May I ask the Hon'ble Minister through you what is the meaning of the liability to pay tax? Will he not be asked to pay the tax during the year 1941-42 even if his gross turnover does not exceed the taxable quantum? Is the meaning so clear?

**The Hon'ble Mr. H. S. SUHRAWARDY:** I do not say that a person would not be liable to tax if in 1941-42 his taxable quantum is less than in 1940-41. If he has arrived at the taxable quantum in 1940-41, he will be liable to tax for three years according to another

section, that is to say, he will be a registered dealer. He has not got to pay his tax from his own pocket. He will be a registered dealer with all the advantages of a registered dealer. After all, when a person is registered as a registered dealer, it is not a disadvantage to him, and that I shall prove when that portion of the Act comes to be discussed.

Sir, there is a further difficulty. If the amendment of Mr. Biswas is accepted, it would have the effect of postponing the effectiveness of this tax for a year, because the first year will have to pass before we could decide who should be registered.

**Mr. SURENDRA NATH BISWAS:** But the income is there. Sir, I ask the Hon'ble Minister another question through you. Does he mean to say that if a dealer's gross turnover exceeds the taxable quantum in 1940-41, he will be liable to pay tax for the year 1941-42 over his gross turnover even if that gross turnover does not exceed the taxable quantum. Is that his case? Will he be liable to pay tax in the following year, that is, in 1941-42, even if his gross turnover exceeds——

**The Hon'ble Mr. H. S. SUHRAWARDY:** Yes, Sir. That is under another section of the Act. If he wants to amend that section——

**Mr. SURENDRA NATH BISWAS:** That is why my amendment is necessary.

**Mr. SPEAKER:** May I remind you that legislation and implication of a draft is not such a matter in which there can be cross-discussion.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Let me explain. Sir, that is under another section of the Act, namely, the liability to pay for three consecutive years once a person becomes registered. As I was going to explain, a tax will be paid only on such items which he passes on to an unregistered dealer or to a consumer. The liability to pay tax does not arise in respect of those articles which he passes on to a registered dealer and, therefore, I do not think there is any hardship. On the other hand, the idea which underlies the other amendment would only make the Act wholly unworkable, because it would mean that registered dealers can just come in and go out—they become registered dealers to-day and unregistered dealers to-morrow. That is a different matter altogether. I do not think the amendment is in its proper place if that is the object of my honourable friend.

**Mr. SURENDRA NATH BISWAS:** One point, Sir.

**Mr. SPEAKER:** No, I am sorry.

The motion of Mr. Surendra Nath Biswas that in sub-clause (*1*) of clause 4, lines 5-6, for the words beginning with "preceding" and ending with "exceeded" the words "following the commencement of this Act exceeds" be substituted was then put and lost.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, I beg to move that in sub-clause (*1*) of clause 4, in line 7, the words "contracts entered into, and" be omitted.

The Act should not appear to be levying a tax on contracts. The tax is on sales involving the execution of contracts and this is now provided for by the amended definition of "sale".

Then, Sir, I beg also to move that for the proviso to sub-clause (*1*) of clause 4 the following be substituted, namely—

> "Provided that no tax shall be payable on sales involved in the execution of a contract which was entered into on or before the date so notified."

**Mr. SPEAKER:** You are not moving amendment No. 45.

**The Hon'ble Mr. H. S. SUHRAWARDY:** No, Sir.

Sir, the insertion of this new proviso to sub-clause (*1*) of clause 4 is consequential on the motion proposed in amendment No. 42.

**Mr. ISWAR DAS JALAN:** Sir, the Hon'ble Minister has decided to exclude contracts which were entered into before the Act came into operation, and if these words "contracts entered into, and" are deleted, if there be a contract entered into before the date of the commencement of the Act but if the delivery is given after the commencement of the Act, then it would be liable. Now contracts are of two kinds. One kind of contract is that in which the transfer of property takes place. The other kind of contract is that in which the transfer of property does not take place. Now with regard to contracts in which the transfer of property takes place, the Hon'ble Minister has made that proviso, but there are contracts which have been entered into on the basis of the existing law when there has been no sales tax and parties have entered into contracts to sell goods at certain rates. In the meantime, the Act comes into operation, and the goods are to be delivered after the Act has come into operation. Therefore, what I would suggest is that the words "contracts entered into, and" should remain, because it will expressly exclude the contracts entered into before the Act came into operation whether there is transfer of property in goods or not. There may not be a transfer of property. Simply because the delivery is made after the Act has come into operation, I must pay the tax—that should not be.

**Mr. SURENDRA NATH BISWAS:** Sir, I oppose the amendment, because it is redundant. If you go through the language of sub-clause (*1*) of clause 4, you will find, Sir, in the words underlined that the tax will be payable on all contracts entered into, and sales effected, after the date so notified. Then what is the necessity of this amendment? The matter which is sought to be excluded by this amendment is already there.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, what Mr. Jalan has said appears to be plausible. But actually the taxation is on sales and not on contracts. Consequently, I have deleted the words "contracts entered into, and" so that it may be on sales only. If the sale is before that period, that is, before the Act comes into operation, there will be no taxation on that sale. If the sale is after the Act has come into operation, then there will be taxation on that sale even though the contract may have been entered into before that period.

**Mr. SASANKA SEKHAR SANYAL:** We understand from what the Hon'ble Minister has said that from contracts he is gradually coming to sales.

The motion of the Hon'ble Mr. H. S. Suhrawardy that in sub-clause (*1*) of clause 4, in line 7, the words "contracts entered into, and" be omitted, was then put and agreed to.

The motion of the Hon'ble Mr. H. S. Suhrawardy that for the proviso to sub-clause (*1*) of clause 4 the following be substituted, namely:—

> "Provided that no tax shall be payable on sales involved in the execution of a contract which was entered into on or before the date so notified.".

was then put and agreed to.

**Mr. SASANKA SEKHAR SANYAL:** Sir, I beg to move that sub-clause (*3*) of clause 4 be omitted.

I do not know what is in the mind of Mr. Suhrawardy, but we have tried to apply our own mind in the matter, and it seems to me that once the party becomes taxable within the meaning of this Act by virtue of having arrived at the taxable turnover, he will continue to be liable to pay tax even if he has not that taxable turnover for three successive years. Even if there is no sale or purchase in the succeeding years, he will have to go on paying the tax and will be assessed on the basis of a previous turnover.

**The Hon'ble Mr. H. S. SUHRAWARDY:** No, no.

**Mr. SASANKA SEKHAR SANYAL:** I am assured by the interjection of "No, no" from the Hon'ble Minister. But, after all, the section as worded is a preposterous proposition. It is a course which has been handed down from the days of Adam from generation to generation. This is the plain reading of the section. Of course, I have just a small hope that the Hon'ble the Finance Minister has something else in his mind, and, in that case, the drafting is, to say the least, very, very unhappy. And whatever may be the intention——

**Mr. SPEAKER:** What I find in the Bill is that there are two words—one is "gross turnover" and the other is "taxable turnover." The gross turnover is for the purpose of registration and the taxable turnover is for the purpose of taxation.

**Mr. SASANKA SEKHAR SANYAL:** What about the expression "liable to pay tax"?

**Mr. SPEAKER:** You see the language is "during each of which his gross turnover has failed to exceed the taxable quantum."

**Mr. SASANKA SEKHAR SANYAL:** That gross turnover may include taxable turnover.

**Mr. SPEAKER:** Even if it includes, it may be less than the taxable turnover.

**Mr. SASANKA SEKHAR SANYAL:** Sir, the section must be read as a whole. The earlier expression is, "Every dealer who has become liable to pay tax under this Act shall continue to be so liable." What does it mean? It means as in the first line, namely, liable to pay tax.

**Mr. SPEAKER:** But the law can never impose a liability to pay unless there is a specific provision.

**Mr. SASANKA SEKHAR SANYAL:** If sub-clause (*1*) determines the liability, sub-clause (*3*) extends the liability and declares an additional liability. It is inconsistent.

**Mr. SPEAKER:** Mr. Suhrawardy.

**Mr. SURENDRA NATH BISWAS:** Sir, are we not to be permitted to move our amendments?

**Mr. SPEAKER:** That is not necessary. It is no use taxing the patience of the House when it is not necessary.

**Mr. SURENDRA NATH BISWAS:** Sir, I want to make one point clear.

**Mr. SPEAKER:** Order, order. I have already said that it is not necessary to move your amendment.

**Mr. SURENDRA NATH BISWAS:** On a point of privilege, Sir. May I know whether a member of the House is entitled to move his amendment when that amendment has been admitted by Mr. Speaker?

**Mr. SPEAKER:** But you should know at the same time, Mr. Biswas, that it is the privilege of the Speaker to decide what amendment is to be taken.

**Mr. SURENDRA NATH BISWAS:** Then, is it your ruling, Sir, that even if an amendment is in order, the member concerned may not be permitted by the Hon'ble Speaker to move his amendment?

**Mr. SPEAKER:** I must refer you, Mr. Biswas, to the relevant section of the Assembly Procedure Rules under which, when an amendment of an identical nature has already been moved a further amendment on the same issue cannot be moved. On that ground, Mr. Biswas, you are not entitled to move your amendment. After the last speaker concluded his speech, I had allowed enough time, but I did not find anybody to rise in his seat, and I had therefore called upon Mr. Suhrawardy to speak.

**Mr. ATUL KRISHNA GHOSE:** Sir, simply because an amendment of an identical nature has been moved, are you going to debar Mr. Biswas from even speaking on that amendment also?

**Mr. SPEAKER:** Mr. Ghose, you are importing something which I have never meant. If Mr. Biswas had followed the usual procedure, he would have been entitled to speak.

**Mr. SASANKA SEKHAR SANYAL:** We bow to your ruling, Sir, but it would not matter much if Mr. Biswas is allowed a few minutes to speak on the amendment. I hope you will agree with me, Sir, that the drafting of this clause is not free from controversy. So before we hear Mr. Suhrawardy, it would be better to have some more viewpoints of Mr. Biswas so that his reply may meet all the controversies that are likely to be dragged into courts of law.

**Mr. SPEAKER:** All I say is that Mr. Biswas should have risen in his seat immediately after the last speaker.

**Mr. SASANKA SEKHAR SANYAL:** He is an old man, he cannot spring up like a young man.

**Mr. SPEAKER:** I have never seen an old man raising a new point. (Laughter.) All right, Mr. Biswas.

**Mr. SURENDRA NATH BISWAS:** Sir, what I want to point out is this. As has already been said by the Hon'ble the Finance Minister, a dealer will have to pay tax in a certain year even if his gross turnover does not exceed the taxable quantum. That is the position he has taken. It is not his case that he will not be assessed any tax if his gross turnover does not exceed the taxable quantum. He says, he will be liable to pay the tax even if the gross turnover does not come up to the amount. I am sure the Hon'ble the Finance Minister is by this time aware that the dealers have made a representation to him to the effect that there will be many cases in which the dealers will not be able to pass the tax on to the consumers; they will have to pay the tax out of their own pocket. Then again, if you look to sub-clause (*1*) of clause 5, you will find that the tax payable shall be at the rate of one-quarter of an anna in the rupee on his taxable turnover. Now, what is the taxable turnover? The taxable turnover means, as you will find in sub-clause (*3*) of clause 5, "that part of a dealer's gross turnover during any period which remains after deducting his turnover during that period on the sale of goods, etc." Under sub-clause (*3*) of clause 5 the taxable turnover may not exceed the taxable quantum. Supposing, Sir, that the taxable quantum is fixed at Rs. 10,000 and the gross turnover is Rs. 50,000, then the taxable turnover as defined in sub-clause (*3*) of clause 5 may be Rs. 2,000. On that Rs. 2,000 he will be liable to pay tax under sub-clause (*1*) of clause 5. And this tax will be made payable for three consecutive years under sub-clause (*3*) of clause 4. I draw your attention, Sir, to the implications of these clauses and sub-clauses. Is it the case of the Hon'ble the Finance Minister that a dealer will have to pay tax on his turnover which does not exceed the taxable quantum? I want to make his case clear.

**The Hon'ble Mr. H. S. SUHRAWARDY:** I am afraid, Sir, that both the honourable members have misunderstood the purport of this section and of the meaning of the words "taxable turnover" and "taxable quantum." Taxable quantum is not the amount on which the tax is levied. Taxable quantum is not synonymous with "taxable turnover." Taxable quantum is really the gross turnover, namely, the turnover which a person should possess in order that he may come under the category of a registered dealer. Therefore, the question that this taxable turnover may be below, say, Rs. 50,000 or Rs. 10,000 is quite in consonance with taxable quantum, namely, the gross turnover being above that figure.

Now, Sir, with regard to the point of Mr. Sasanka Sekhar Sanyal, I do not think that any difficulty arises from this fact as such a dealer once registered, namely, whose gross turnover or taxable quantum exceeds a certain figure, which in this Bill is Rs. 50,000 and Rs. 10,000, should continue to be liable to collect the tax and to pay to Government for the next three years. The reason why we have put that clause is this. A person may have a taxable turnover of Rs. 50,000 for which reason he becomes a registered dealer. Next year he might have a taxable turnover of Rs. 49,000, and we cannot find out the amount of his taxable turnover until the next year is over. How do you say that we can take him out of the register of dealers? If he is taken out of the list the year after, what does he gain? He gains nothing, because as a non-registered dealer he will have to pay the tax to his registered dealer in the first instance, whereas a registered dealer he has this advantage that for all the goods that he purchases from another registered dealer, he does not have to pay any tax at all in the first instance. If he became an unregistered dealer, he would have to pay the tax in the beginning as soon as he purchased an article. This, I am pointing out to you, Sir, places a registered dealer in a much more advantageous position than an unregistered dealer.

**Mr. SASANKA SEKHAR SANYAL:** In this sub-clause he is liable to pay tax irrespective of the liability of registration which comes afterwards.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Another difficulty is this. The whole trade and business will be dislocated, because dealers will not know when a person is on the registered list or when he is not. When they are dealing with a person who is registered, they ought to have some assurance that at least for three years he will continue to be dealt with as a registered dealer without having to collect taxation from him.

Now the tax that will be collected will not be the tax that he will have to pay in the first year. The tax that will be collected will be the tax on the amount of gross turnover next year. For instance, to give an extreme case, supposing, Sir, the gross turnover of a person is Rs. 60,000 one year and the taxable amount is Rs. 20,000, he will be taxed on Rs. 20,000. Next year his gross turnover becomes Rs. 40,000 and the taxable amount becomes Rs. 2,000; he will be taxed only on Rs. 2,000 and not on the amount, namely, Rs. 20,000 on which he paid tax in the previous year. I do not see any hardship whatsoever in this section which has not been, I am afraid, very carefully considered by the honourable members.

**Mr. SASANKA SEKHAR SANYAL:** I submit, Sir, that that is not the intention of sub-clause (*3*). Clause 4 deals with the incidence of taxation. Sub-clause (*1*) increases the liability——

**Mr. SPEAKER:** Please do not argue on the principle of the marginal notes. They may be entirely wrong.

**Mr. SASANKA SEKHAR SANYAL:** I am not arguing on the marginal notes, but on the substantive portion. I understand the Hon'ble Mr. Suhrawardy to mean the necessity of this section on the question of registration. That is quite true. Otherwise, if additional liability is not sought to be determined, the omission of sub-clause (*3*) will have no meaning at all and will not affect the incidence of taxation which is determined and declared by sub-section (*1*), but sub-section (*3*) declared additional liability which is not in the substantive portion. But if it is the intention of this Bill, this enactment, to introduce certain safeguards or protective measures or facilities in the matter of registration, the proper place to introduce the substance of this sub-clause would be clause 7 which deals with registration. After all, clause 7 deals with registration. So, if it is meant by this sub-clause to continue the liability for registration, then the proper context will be clause 7. Otherwise, Sir, endless confusions will follow and the matter will be dragged every day to the courts of law which ought to be avoided.

**Mr. SPEAKER:** I do not want to intervene at this stage. I have to put the motion before the House, but in view of the confusing ideas I think I ought to clarify the position. The Hon'ble the Finance Minister will please correct me if I am wrong. The position is this: whatever may be the position of this section, this law imposes a liability to register. Now, for the purposes of liability to register, the quantity of the total gross turnover is the quantity of the turnover which not only includes goods which are taxable, but goods which are not taxable also. For example, a man deals with goods of every commodity. His total assets amount to Rs. 60 lakhs. In that case he is liable to pay the tax himself. Now sub-clause (*3*) says that he must remain liable to pay tax for the next three years without any further liability to register and without any further necessity to determine whether his total gross turnover comes within the purview of this section at all. Then comes a further liability as to how much is to be paid by the man. On that the Hon'ble Minister says that it is the total taxable turnover. In other words, after cutting out the list of exemptions and after cutting out everything he is liable to pay.

**Mr. SASANKA SEKHAR SANYAL:** Sir, the word "taxable" is not there.

**Mr. SPEAKER:** Yes, it is there. Please read the next section. This section does not mean anything more than that for the purposes of section 7 he is liable to register himself and the tax actually payable is

dependent on the taxable turnover, and not on the gross turnover. Is not that correct, Mr. Suhrawardy?

**The Hon'ble Mr. H. S. SUHRAWARDY:** Yes, Sir, that is correct.

**Mr. SASANKA SEKHAR SANYAL:** Then some words are necessary within the meaning of section 7.

**The Hon'ble Mr. H. S. SUHRAWARDY:** If you read section 7 (*1*) you will find the position clearly stated there.

The motion of Mr. Sasanka Sekhar Sanyal that sub-clause (*3*) of clause 4 be omitted was then put and a division taken with the following result:—

**AYES—38.**

Abu Hossain Sarkar, Maulvi.
Abul Fazl, Mr. Md.
Banerji, Mr. P.
Banerjee, Mr. Pramatha Nath.
Barman, Babu Shyama Prosad.
Biswas, Mr. Surendra Nath.
Chakrabarty, Mr. Jatindra Nath.
Chaudhuri, Rai Harendra Nath.
Das Gupta, Babu Khagendra Nath.
Das Gupta, Srijut Narendra Nath.
Dalui, Mr. Harendra Nath.
Dutta Mazumdar, Mr. Niharendu.
Emdadul Haque, Kazi.
Ghose, Mr. Atul Krishna.
Giasuddin Ahmed, Mr.
Gupta, Mr. J. N.
Hasan Ali Chowdhury, Mr. Syed.
Jalaluddin Hashemy, Mr. Syed.
Jalan, Mr. I. D.
Jonab Ali Majumdar, Maulvi.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nishitha Nath.
Maji, Mr. Adwaita Kumar.
Mal, Mr. Iswar Chandra.
Mandal, Mr. Amrita Lal.
Mandal, Mr. Krishna Prasad.
Maqbul Hosain, Mr.
Mullick, Srijut Ashutosh.
Nasker, Mr. Hem Chandra.
Ramizuddin Ahmed, Mr.
Roy, Mr. Kiran Sankar.
Roy, Mr. Kishori Pati.
Roy, Mr. Manmatha Nath.
Sanyal, Mr. Sasanka Sekhar.
Sen-Gupta, Mrs. Nellie.
Shahedali, Mr.
Shamsuddin Ahmed, Mr. M.
Sinha, Srijut Manindra Bhusan.

**NOES—98.**

Abdul Aziz, Maulana Md.
Abdul Hafiz, Mr. Mirza.
Abdul Hafiz, Mr. Mia.
Abdul Hakim, Maulvi.
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Majid, Mr. Syed.
Abdul Motaleb Malik, Dr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rahman Siddiqi, Mr.
Abdur Rasheed, Maulvi Md.
Abdur Rauf, Khan Sahib Maulvi S.
Abdur Rauf, Khan Bahadur Shah.
Abdur Razzak, Maulvi.
Abdus Shaheed, Maulvi Md.
Abidur Reza Chowdhury, Khan Bahadur Maulvi.
Abul Hashim, Maulvi.
Abul Hosain Ahmed, Mr.
Abul Quasem, Maulvi.
Ahamed Ali Enayetpuri, Khan Bahadur Maulana.
Ahmed Ali Mridha, Maulvi.
Ahmed Hosain, Mr.
Alfazuddin Ahmed, Khan Bahadur Maulvi.
Amtnullah, Khan Sahib Maulvi.
Amir Ali Mia, Maulvi Md.
Aulad Hossain Khan, Khan Bahadur Maulvi.
Azhar Ali, Maulvi.
Badruddoja, Mr. Syed.
Basu, Mr. Jatindra Nath.
Birkmyre, Sir Henry, Bart.
Biswas, Mr. Rasik Lal.
Chippendale, Mr. J. W.
Clark, Mr. I. A.
Das, Rai Sahib Kirit Bhusan.
Dass, Babu Debendra Nath.
Edbar, Mr. Upendranath.
Farhad Raza Chowdhury, Mr. M.
Fazlul Huq, the Hon'ble Mr. A. K.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr. (Dacca).
Fazlur Rahman, Mr. (Mymensingh).
Gladding, Mr. D.
Golam Sarwar Hosaini, Mr. Shah Syed.
Griffiths, Mr. C.
Habibullah, the Hon'ble Nawab Bahadur K., of Dacca.
Haddow, Mr. R.R.
Hafizuddin Choudhuri, Maulvi.
Hamiduddin Ahmad, Khan Sahib.

Hassanuzzaman, Maulvi Md.
Hashem Ali Khan, Khan Bahadur Maulvi.
Hendry, Mr. David.
Heywood, Mr. Rogers.
Jalaluddin Ahmad, Khan Bahadur Maulvi.
Kabiruddin Khan, Khan Bahadur Maulvi.
Kasem Ali Mirza, Sahibzada Kawan Jah Syed.
Kennedy, Mr. I. G.
McGregor, Mr. G. G.
Mafizuddin Ahmed, Dr.
Maqbuddin Ahmed, Maulvi.
Mandal, Mr. Banku Behari.
Mandal, Mr. Jagat Chandra.
Maniruddin Akhand, Maulvi.
Masud Ali Khan Panni, Al-Hadj Maulvi.
Morgan, Mr. G., C.I.E.
Moslem Ali Mollah, Maulvi M.
Muhammad Afzal, Khan Bahadur Maulvi Syed.
Muhammad Ishaque, Maulvi.
Muhammad Siddique, Khan Bahadur Dr. Syed.
Muhammad Sulaiman, Khan Sahib Maulvi.
Mullick, the Hon'ble Mr. Mukunda Behary.
Musharruf Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustagawasi Haque, Mr Syed.
Nandy, the Hon'ble Maharaja Srischandra, of Cossimbazar.
Nasarullah, Nawabzada.
Norton, Mr. H. R.
Raikut, the Hon'ble Mr. Prasanna Deb.
Roy, Mr. Dhananjoy.
Roy, Mr. Patiram.
Sadaruddin Ahmed, Mr.
Sahebe-Alam, Mr. Syed.
Salim, Mr. S. A.
Sarker, Babu Madhusudan.
Sassoon, Mr. R. H.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja, C.S.I.
Sinclair, Mr. J. F.
Sirdar, Babu Lilla Munda.
Smith, Mr. H. Brahaat.
Speller, Mr. J. H.
Steven, Mr. J. W. R.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, the Hon'ble Mr.
Tofel Ahmed Choudhury, Maulvi Haji.
Walker, Mr. J. R.
Walker, Mr. W. A. M.
Wordsworth, Mr. W. C.
Yousuf Mirza.
Yusuf Ali Choudhury, Mr.
Zahur Ahmed Choudhury, Maulvi.

The Ayes being 38 and the Noes 98, the motion was lost.

**Mr. MD. ABUL FAZL:** Sir, I beg to move that in clause 4(*3*), line 3, for the words "three consecutive years, during each of" the words "one year during" be substituted.

My intention in moving this amendment is to limit the liability to pay the tax to one year only. Three years is too long a term to make the dealers liable, and one year is sufficient. It is sheer injustice to make the dealer liable for three long years. So, I suggest that instead of three years, the period may be only one year.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, I oppose this amendment. If one year is accepted, it is equivalent to the deletion of the sub-clause suggested by the previous amendment which has been rejected.

The motion of Mr. Md. Abul Fazl that in clause 4(*3*), line 3, for the words "three consecutive years, during each of," the words "twelve months during" be substituted, was then put and lost.

**Mr. ISWAR DAS JALAN:** Sir, I beg to move that in clause 4(*3*), line 3, for the word "three" the word "two" be substituted.

In support of this amendment, I have simply to say this that if once a dealer becomes a registered dealer, his liability is extended to three years, and then all the obligations regarding accounts and other things which a registered dealer has will continue for three long years. It might be that in one year this turnover is Rs. 50,000, but in the

next year it may be Rs. 10,000. My motion is simply a compromise between zero and three. I say, let this liability continue for two years, because I think that would be sufficient for the purpose of exemption.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, I have explained why the trade must have some continuity with regard to sales. I oppose the amendment.

The motion of Mr. Iswar Das Jalan that in clause 4(3), line 3, for the word "three" the word "two" be substituted, was then put and lost.

**Mr. SURENDRA NATH BISWAS:** Sir, I beg to move that for sub-clause (5) of clause 4 the following be substituted, namely:—

"(5) In this Act the expression 'taxable quantum' means—

(a) in relation to any dealer who imports for sale any goods into Bengal, 10,000 rupees; and

(b) in relation to any other dealer, 50,000 rupees."

Sir, the object of my amendment is to give relief to the indigenous manufacturers as well as traders. As we all know, trade and industry in Bengal has not developed, and the time is such that the middle class people are taking to trade and industry. There are persons of all communities in trade and industry, and they should be encouraged to continue to develop trade and industry. Therefore, I suggest that those manufacturers and traders whose gross turnover will not exceed Rs. 50,000 should not be made liable to pay this tax. If my amendment is accepted, the small manufacturers of Bengal might be able to stand competition in the market with outside manufacturers. I hope the benefits which my amendment proposes to give to small manufacturers and traders will appeal to all sections of the House, and I therefore commend it to their acceptance.

**Rai HARENDRA NATH CHAUDHURI:** Sir, I beg to move that in paragraph (a) of clause 4(5), lines 2 and 3, the words "or himself manufactures any goods for sale" be omitted.

I beg also to move that after paragraph (a) of clause 4(5), the following new paragraph be inserted, namely:—

"(ai) in relation to any dealer who himself manufactures any goods for sale, 20,000 rupees."

Sir, I shall be happy if Mr. Surendra Nath Biswas's motion be carried, but if it is not carried, then, Sir, my alternative proposal would be that a manufacturer who himself manufactures goods for sale should not be put in the same position as the importer. It is

preposterous to put an indigenous manufacturer on a parity with him, and it is for that reason that I am excluding the manufacturer from paragraph (*a*) and making him the subject of a new paragraph.

**Mr. SPEAKER:** You are making two categories of manufacturers.

**Rai HARENDRA NATH CHAUDHURI:** Yes, Sir.

**Maulvi ABU HOSSAIN SARKAR:** Sir, I beg to move that in paragraph (*a*) of clause 4(*5*), line 3, for the figures "10,000" the figures "50,000" be substituted.

I beg also to move that paragraph (*b*) of clause 4(*5*) be omitted.

I beg further to move that in clause 4(*5*)(*c*) for the figures "50,000" the figures "1,00,000" be substituted.

Sir, the reason why I move these amendments is that in the original Bill sub-clause 4(*5*)(*a*) gives the taxable quantum as Rs. 10,000 for importers as well as for manufacturers of goods, but I think this sum of Rs. 10,000 to be too small because the manufacturers who will place their goods in the market will have to spend huge sums of money and if only Rs. 10,000 is fixed, it will be impossible for them to pay the tax. Sir, the manufacturers of Bengal have come to this field only recently and by this tax they will be driven out of the field. And in this connection I have in my mind especially the case of Bengali manufacturers of cloth and sugar who have only very recently started their firms.

Then again, in sub-clause (*b*) Government are taking a long hand, and they say as much sums as may be prescribed. I think a long rope cannot be given to Government, because they may entangle anybody and everybody they like into it.

So far as my third amendment is concerned, I propose to substitute Rs. 1,00,000 for Rs. 50,000 because the profit has gone down nowadays, and in most cases the dealers will have to pay from their own capital. With these words, Sir, I commend my amendments to the acceptance of the House.

**Mr. SPEAKER:** So far as amendment No. 72 is concerned, the consent of the Governor has not been received.

**Mr. ATUL KRISHNA GHOSE:** Sir, I beg to move that in clause 4(*5*)(*b*), line 2, after the word "prescribed" at the end, the following be inserted, namely:—

"the minimum being Rs. 20,000"

Sir, my argument with regard to this amendment is that as soon as these parties will be registered, they will have to do accounting and many other things with a consequent increase in establishment charges. Therefore, dealers with Rs. 10,000 as the taxable quantum will be very hard hit, and to give them relief I suggest to the Hon'ble the Finance Minister to be good enough to increase it to Rs. 20,000.

**Sir HENRY BIRKMYRE:** Mr. Speaker, Sir, I beg to move that in clause 4(5)(c) for the figures "50,000" the figures "25,000" be substituted.

Sir, the 50,000 limit makes it easier undoubtedly for Government to collect the tax, but the lower limit of 25,000 would equally certainly bring more money into the treasury. In view of the need for more revenue, I feel therefore that Government should——

**Mr. SASANKA SEKHAR SANYAL:** On a point of order, Sir. Has the sanction of the Governor to this amendment been obtained?

**Mr. SPEAKER:** Yes, it has been obtained.

**Sir HENRY BIRKMYRE:** I feel that Government should adopt the lower limit and thereby secure all the money they can collect. The lower limit in no way affects cottage industries or the cultivator selling his own produce in *hats* or markets. It will, on the other hand, reduce the number of opportunities for evasion of payment of this tax. It has been argued that a dealer who only has a turnover of Rs. 25,000 could not be expected to keep the necessary accounts. This, I think, is a very poor compliment to the intelligence of these dealers, and it is an argument which I personally consider too weak to be accepted. I therefore commend my motion to the acceptance of the House.

**Mr. SASANKA SEKHAR SANYAL:** Mr. Speaker, Sir, I beg to oppose this amendment moved by my friend. Sir, we on this side of the House began by making attempts that the taxation measures should not come, and after we failed in that attempt on our part, we are trying to dilute the rigorous provisions of the taxation measures as much as we can so that the severity of this measure may be as small upon a large number of people as possible.

We cannot appreciate the anxiety of the European members in trying to maintain the level of taxable quantum from the higher standard to the lower standard. Sir as parliamentarians we will not attribute any motives to any member, but at the initial stage of the passage of this Bill on the last session when we moved for circulation for eliciting public opinion, I expressed my own apprehension on behalf of my party that with the war around us the Government which

is backed and piloted and engineered by the European Group in this House wants more money and wants us to give large avenues of taxation to Government, so that it can finance war purposes to the best of its ability. Probably, Sir, my European friends desire that the Government should get some more money so that in the name of nation-building activities really war purpose measures may be given effect to. Therefore, Sir, we set our face strongly against this proposal of the European members here.

Sir, we made our apprehension clear at every stage that the purposes have not been made clear as to why this money is necessary, and it is such a huge contrast to the other Bill which we have just passed, namely, the Motor Spirit Sales Taxation Bill. In that Bill Government came with schemes, with clearly laid down purposes for the taxation measures; but so far as this measure is concerned, in spite of repeated demands from all sections of the House—even from the members of the Coalition Party—the Government have refused to lay down any plan to show why the money is necessary. That strengthens our apprehension and this amendment also deepens that apprehension on our part.

Therefore, Sir, with all the emphasis that we command on this side of the House, we strongly oppose this amendment of the European members of this House.

**Mr. NIHARENDU DUTTA MAZUMDAR:** Mr. Speaker, I rise to oppose this amendment moved by the European members of this House. Sir, while the Hon'ble Finance Minister provided the figure 50,000, the amendment proposes that the figure 25,000 be substituted so that they may tax the people on a wider scale. Sir, the European members have been heard to observe on the floor of this House some time ago that at a time when the requirements of war would lay severe strain on the people and people will have to be strained in furtherance of the requirements of the war, the unimportant items of work like the nation-building work might be deferred till after the war was over. Sir, there we saw the kind of solicitude the European members of this House, not unnaturally, have for our nation-building work. They have but slender links with the people and may therefore be excused if to them nation-building work would appear as mere subsidiary work. After having shown that kind of solicitude, they come forward now to support the Hon'ble the Labour Minister's plea of taxation and want that taxation should be carried on on a wider and wider scale and therefore they reduce the figure to one of 25,000, so that even the small man in trade and industry, in the work of purchase and sale, might be affected.

Sir, as I observed the other day, on the basis of this amendment would not this House be in order to ask to-day as to what is the reason

behind this amendment? I am not sure as to what the Hon'ble the Finance Minister intends to do about this amendment. He has shown over-willingness and eagerness—almost an indecent haste—to accept amendments moved by the European Group for obvious reasons. They are comrades in distress. Mr. Suhrawardy, who recently due to the timely holding of the session now, took refuge in the sheltered sanctuary of this House from the stones and brickbats that were thrown at him from Rajabazar——

**Mr. SPEAKER:** I am sorry, Mr. Mazumdar. I hope you will confine yourself to the motion which is before the House. It is not always desirable that you should try to hammer the same tune day after day which brings the discussion to a level which is not at all desirable. We are discussing whether this motion is acceptable to the House. You can place your arguments at the time of the third reading when the whole issue will be there. You can then argue about the attitude of the Government, the conduct of the Government and the principles of the Government, but for the time being it is only desirable that you should confine yourself to the motion. Let the House be enlightened as to why this figure should be 50,000 and 10,000 and not why the European members are siding with the Finance Minister.

**Mr. NIHARENDU DUTTA MAZUMDAR:** Sir, I will submit to your ruling with all humility, but allow me to put this question to the Hon'ble Mr. Suhrawardy in my own way. I am entitled to know whether he is going to accept this amendment or not. (The Hon'ble Mr. H. S. SUHRAWARDY: No, no.) I am glad that Mr. Suhrawardy has for once made an interjection which will meet with our approval, and I hope he will say a "no," a strong and clear "no" to the European members who now come forward to tax even the small man, —these members who only the other day did very little realise the necessity of nation-building work being at all urgent in India. (The Hon'ble Mr. H. S. SUHRAWARDY: I do say.) Sir, I welcome this assurance from the Hon'ble the Finance Minister that he is not going to accept this measure.

Sir, in condemning this amendment proposed by the European Group, I would also point out that the honourable the European members know that in this country to-day the purchasing power of the people has already dwindled to such a low level that people far from being able to get the necessities of life suffer from malnutrition, and such reduction and dimunition of the purchasing power of the people has taken place all the more in the industrial areas amongst the workers. Sir, the workers are the worst victims as a result of this depression. Sir, if the small man is taxed, if the small man is compelled to pay higher rates of prices, then those millions of workers,

the poorest classes who are the worst victims of the trading exploits—I am afraid it is almost paying a compliment to say "trading exploits"—of the Europeans; our workers are the victims of the outright exploitation carried on by the members on that side of the House. They will be the worst sufferers. Therefore, Sir, I am amazed to see the brazeness of a proposition of this kind. Here silence might have shown greater wisdom on their part. Their counsels in many ways seem to have influenced and prevailed with the Hon'ble Ministers, particularly with the Hon'ble Finance Minister who is known to have been their man—the coming man they would like to have. They see in him the golden dream of the rise of a pseudo-Bourbon to keep down the workers who sometimes, I believe, cause them a little embarrassment and inconvenience. The peasants who cry for a better price of jute will also ultimately be the sufferers if an amendment of this nature is accepted or carried. Sir, I know now that with the assurance which the Hon'ble Finance Minister has given this amendment coming from the European privileged Group will meet with nothing but scorn from all sections of the House. Sir, all sections of the House are already united together in their unreserved condemnation of this measure. Even the representatives of the European Group at the Select Committee stage condemned this Bill.

**Mr. SPEAKER:** I am very sorry to interrupt you, but you are going beyond the point that is under discussion now.

**Mr. NIHARENDU DUTTA MAZUMDAR:** Sir, I am coming to the core of the point.

**Mr. SPEAKER:** May I point out that for the last few minutes you have been straying beyond the point, and I should have asked you long before to sit down.

**Mr. NIHARENDU DUTTA MAZUMDAR:** Sir, I would have thankfully stood corrected. Now, Sir, it is time that all sections of the House should not only reject an amendment of this nature, but they should condemn it. I think that in future the House will show greater unanimity when the question of taxation affecting the interests of the people will come forward. I oppose this amendment and commend it for its entire rejection by the House.

**Mr. ISWAR DAS JALAN:** Sir, I beg to oppose the amendment. In doing so, I wish to point out that the figure of Rs. 50,000 has been put in in order to save the smaller dealer from keeping elaborate account books which are necessary in order to comply with the requisitions of this Act. This Act provides for a dealer to make a return of the taxable turnover, and you will find that in the taxable turnover

there are certain articles which are tax-free. Then there are articles which are sold to registered dealers. Then, there are articles which are sold to Government Departments and there are also articles which are sent out of the provinces. Therefore, as a matter of fact, if I understand the Act rightly, there is not much difference between fixing it at Rs. 50,000, and any other lesser figure, say, Rs. 40,000 or Rs. 30,000. The real position is that so far as the trader is concerned, it will be a serious handicap to the trader if he is obliged to keep these elaborate account books in order to comply with the requisitions under the Act. Therefore, I beg to oppose this motion.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, I beg to oppose all these amendments except the amendment of Sir Henry Birkmyre——

**Mr. SASANKA SEKHAR SANYAL:** So far as amendment No. 74-76 is concerned, I have got my observations to make——

**Mr. SPEAKER:** You have just now spoken.

**Mr. SASANKA SEKHAR SANYAL:** Sir, I have not spoken on amendment No. 74-76.

**Mr. SPEAKER:** In your excitement, you have forgotten to speak on your own amendment and spoken about other things.

**Mr. SASANKA SEKHAR SANYAL:** Sir, I was not excited at all.

**Mr. SPEAKER:** I have said in the beginning that almost all these motions go together. You cannot take one from the other—one is so much integrally connected with the other. The whole purpose is to raise the minimum. I called you not to oppose the Government but to speak on your own motion as you wanted to do so, but you entirely forgot yourself for the time being.

**Mr. SASANKA SEKHAR SANYAL:** In any case, Sir, if I had made a mistake, that mistake was caused by the fact that I thought that after I had opposed the amendment, I would be given an opportunity to speak on it.

**Mr. SPEAKER:** I hope you realise that all these motions have been taken together.

**Mr. SASANKA SEKHAR SANYAL:** Sir, in any case, I will not take more than two minutes, and I hope you will allow me to speak on it.

**Mr. SPEAKER:** All right.

**Mr. SASANKA SEKHAR SANYAL:** So far as the introduction of sub-clause (*5*) (*b*) of clause 4 is concerned, there is a proposal that "taxable quantum" means "in relation to any particular class of dealer, such sum as may be prescribed." We are on principle opposed to giving these wide powers to Government because this will land the province in some situation which is neither contemplated nor desired. Sir, on the floor of the House many things are being discussed, and they are definite and they are square. But it is against any principle of democratic Government to give these powers to Government which can be taken through a blind alley. For instance, the expression "in relation to any particular class of dealer" is very vague and very dangerous. It may be a religious class, it may be a political class, it may be a trading class; it may be a class of the Coalition brand; it may be a class of any other brand. There is another danger, because the rules which will be prescribed will be prescribed by Government. We have no control upon the rules. These rules may prove to be dangerous. This particular clause may empower the Government to exclude persons in respect of the taxable quantum according to the convenience of the Cabinet itself. Sir, we in Bengal have got bitter experience as to how the Cabinet functions. These people are more or less political agitators for their personal group purposes. Therefore, it is extremely dangerous if we on the floor of the House give wide powers, delegated powers to Government which are sure to be used against those parties and persons or classes who are known to be oppositionists to the Government; nepotism will come into existence and by this time "Bengal Government, thy name is nepotism" is known throughout the world.

**Sir HENRY BIRKMYRE:** On a point of explanation, Sir. I would like to say that the Bill originally provided for a limit of Rs. 20,000 and the taxable quantum only denotes registration. Unregistered dealers will pay the tax whatever the limit may be.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, as I said, I oppose all these amendments except the amendment moved by Sir Henry Birkmyre which I would like to consider further, in view of the matters which have come up in the course of the discussion. I would like to explain the reason why I oppose all these amendments.

I am surprised that the discussion on a financial measure has been made a subject matter of political propaganda. Sir, I will not digress from the path of dealing with a financial measure as a financial measure, and will leave all the various remarks relating to politics to themselves.

Sir, the amendment of Mr. Surendra Nath Biswas attempts to increase the taxable quantum for a manufacturer to Rs. 50,000 and at the same time removes the Government's power to prescribe a different taxable

quantum if necessary. If this was done, a considerable portion of articles will escape taxation. Small manufacturers whose turnover is under Rs. 10,000 will themselves escape taxation and hence the Bill as it now stands does not hurt the small manufacturer. But I see no reason why the bigger manufacturer should not pay this tax. This applies also to the amendments which have been moved by Rai Harendra Nath Chaudhuri.

Then, Sir, an attempt has been made to increase the figure from Rs. 10,000 to Rs. 50,000. The importers and manufacturers are a different class by themselves, and I submit, Sir, that if a smaller quantum is not prescribed, it will lead to the splitting up of business. That is the difficulty. Even if it does not lead to the splitting up of business, it will mean that many importers of less than Rs. 50,000 will import directly and compete with those having a bigger turnover. There is no reason why this should be so.

Now, Sir, I was prepared to accept Sir Henry Birkmyre's amendment, but I have altered my views after further consideration. It does not matter to Government what the taxable quantum is, whether it is one lakh, two lakhs, 50,000, 20,000, or 10,000 because the registered dealer is not a tax-payer at all. The manner in which the ordinary discussion has proceeded is that the smaller dealer has got to pay the tax from his own pocket, and that therefore if the figure is reduced, such dealers will be taxed. He is really in the position of a tax collector. It suits us to have as few registered dealers as possible, because there will be less shops to inspect, less inspecting staff to be engaged. But we have found that there are more people in this category of Rs. 25,000 in the mufassal than we originally conceived, and if we accept the figure of Rs. 25,000, as has been suggested by Sir Henry Birkmyre, we will have to appoint such a large staff for the purpose of inspection that a considerable amount of money will be spent in collecting the tax which would otherwise not be necessary. It is for this reason that I should like to consider the point a little bit further in order to satisfy myself whether I can safely accept the figure of Rs. 25,000. This amendment No. 86-89 may therefore stand over for the present.

**Mr. SPEAKER:** I think one of the important amendments is that about the deletion of sub-clause (*b*). I shall put it first.

The motion of Maulvi Abu Hossain Sarkar that paragraph (*b*) of clause 4(*5*) be omitted, was then put and a division taken with the following result:—

**AYES—41.**

| | |
|---|---|
| Abu Hossain Sarkar, Maulvi. | Banerjee, Mr. Pramatha Nath. |
| Abul Fazl, Mr. Md. | Banerji, Mr. Satya Priya. |
| Banerji, Mr. P. | Barman, Babu Shyama Prasad. |

Biswas, Mr. Surendra Nath.
Bose, Mr. Sarat Chandra.
Chaudhuri, Rai Narendra Nath.
Das Gupta, Babu Khagendra Nath.
Das Gupta, Srijut Narendra Nath.
Deisi, Mr. Narendra Nath.
Dutta Mazumdar, Mr. Niharendu.
Emdadul Haque, Kazi.
Ghose, Mr. Atul Krishna.
Giasuddin Ahmed, Mr.
Gupta, Mr. J. N.
Hasan Ali Chowdhury, Mr. Syed.
Jalaluddin Hashemy, Mr. Syed.
Jalan, Mr. I. D.
Jonab Ali Majumdar, Maulvi.
Khan, Mr. Debendra Lall.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nishitha Nath.
Maji, Mr. Advaita Kumar.
Mal, Mr. Iswar Chandra.
Mandal, Mr. Amrita Lal.
Mandal, Mr. Jogendra Nath.
Maqbul Hosain, Mr.
Mullick, Srijut Ashutosh.
Nasker, Mr. Hem Chandra.
Ramizuddin Ahmed, Mr.
Roy, Mr. Kiran Sankar.
Roy, Mr. Manmatha Nath.
Sanyal, Mr. Sasanka Sekhar.
Sen, Rai Bahadur Jogesh Chandra.
Sen-Gupta, Mrs. Nellie.
Shahedali, Mr.
Shamsuddin Ahmed, Mr.
Sinha, Srijut Manindra Bhusan.
Thakur, Mr. Pramatha Ranjan.

NOES—86.

Abdul Aziz, Maulana Md.
Abdul Hafiz, Mr. Mirza.
Abdul Hafiz, Mr. Mia.
Abdul Hakim, Maulvi.
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Majid, Mr. Syed.
Abdur Rahman Siddiqi, Mr.
Abdul Motaleb Malik, Dr.
Abdur Rauf, Khan Bahadur Shah.
Abdur Razzak, Maulvi.
Abdus Shahood, Maulvi Md.
Abidur Reza Chowdhury, Khan Bahadur Maulvi.
Abul Hashim, Maulvi.
Abul Hosain Ahmed, Mr.
Abul Quasem, Maulvi.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Ahmed Ali Mridha, Maulvi.
Ahmed Hossain, Mr.
Alfazuddain Ahmed, Khan Bahadur Maulvi.
Amir Ali Mia, Maulvi Md.
Aulad Hossain Khan, Khan Bahadur Maulvi.
Azhar Ali, Maulvi.
Badruddoja, Mr. Syed.
Birkmyre, Sir Henry, Bart.
Biswas, Mr. Rasik Lal.
Chippendale, Mr. J. W.
Clark, Mr. I. A.
Das, Mr. Anukul Chandra.
Das, Rai Sahib Kirit Bhusan.
Edgar, Mr. Upendranath.
Farhad Raza Chowdhury, Mr. M.
Fazlul Huq, the Hon'ble Mr. A. K.
Fazlul Quader, Khan Bahadur Maulvi.
Fazlur Rahman, Mr. (Dacca.)
Fazlur Rahman Mr. (Mymensingh).
Gladding Mr. D.
Golam Sarwar Hossaini, Mr. Shah Syed.
Habibullah, the Hon'ble Nawab Bahadur K., of Dacca.
Hamiduddin Ahmad, Khan Sahib.
Hasanuzzaman, Maulvi Md.
Hasham Ali Khan, Khan Bahadur Maulvi.
Hendry, Mr. David.
Heywood, Mr. Rogers.
Hirtzel, Mr. H. A. F
Jalaluddin Ahmad, Khan Bahadur Maulvi.
Kabiruddin Khan, Khan Bahadur Maulvi.
Kennedy, Mr. I. G.
Mafizuddin Ahmed, Dr.
Mandal, Mr. Banku Behari.
Mandal, Mr. Jagat Chandra.
Maniruddin Akhand, Maulvi.
Morgan, Mr. G., C.I.E.
Mosiem Ali Mollah, Maulvi M.
Muhammad Afzal, Khan Bahadur Maulvi Syed.
Muhammad Ibrahim, Maulvi.
Muhammad Ishaque, Maulvi.
Muhammad Siddique, Khan Bahadur Dr. Syed.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Pulin Behary.
Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustagawai Haque, Mr. Syed.
Nandy, the Hon'ble Maharaja Srischandra, Cossimbazar.
Nasarullah, Nawabzada K.
Norton, Mr. H. R.
Raikut, the Hon'ble Mr. Prasanna Deb.
Roy, Mr. Dhananjoy.
Roy, Mr. Patiram.
Sadaruddin Ahmed, Mr.
Sahebe-Alam, Mr. Syed.
Salim, Mr. S. A.
Sarkar, Babu Madhusudan.
Seccombe, Mr. R. M.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja, C.B.E.
Sinclair, Mr. J. F.
Sirdar, Babu Lalit Munda.
Smith, Mr. H. Prahant.
Steven, Mr. J. W. R.
Suhrawardy, the Hon'ble Mr. H. S.
Speller, Mr. J. N.
Tamiruddin Khan, the Hon'ble Mr.
Tofai Ahmed Choudhury, Maulvi Haji.
Walker, Mr. J. R.
Walker, Mr. W. A. M.
Yusuf Ali Choudhury, Mr.
Zahur Ahmed Chowdhury, Maulvi.

The Ayes being 41 and the Noes 86, the motion was lost.

**Mr. SPEAKER:** The next group of amendments 62, 63 and 73, moved by Rai Harendra Nath Chaudhuri, will be put together.

The motions of Rai Harendra Nath Chaudhuri that in paragraph (*a*) of clause 4(*5*), lines 2 and 3, the words "or himself manufactures any goods for sale" be omitted and that after paragraph (*a*) of clause 4(*5*) the following new paragraph be inserted, viz.—

"(*ai*) in relation to any dealer who himself manufactures any goods for sale, 20,000 rupees,"

were then put together and a division taken with the following result:—

**AYES—41.**

Abu Hossain Sarkar, Maulvi.
Abul Fazl, Mr. Md.
Banerji, Mr. P.
Banerjee, Mr. Pramatha Nath.
Banerji, Mr. Satya Priya.
Barman, Babu Shyama Prasad.
Biswas, Mr. Surendra Nath.
Bose, Mr. Sarat Chandra.
Chaudhuri, Rai Harendra Nath.
Das Gupta, Babu Khagendra Nath.
Das Gupta, Srijut Narendra Nath.
Deiui, Mr. Narendra Nath.
Dutta Mazumdar, Mr. Niharendu.
Emdadul Haque, Kazi.
Ghose, Mr. Atul Krishna.
Giasuddin Ahmed, Mr.
Gupta, Mr. J. N.
Hasan Ali Chowdhury Mr. Syed.
Jalaluddin Hashemy, Mr. Syed.
Jalan, Mr. I. D.
Jonab Ali Majumdar, Maulvi.
Khan Mr. Debendra Lall.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nishitha Nath.
Maji, Mr. Adwaita Kumar.
Mal, Mr. Iswar Chandra.
Mandal Mr. Amrita Lal.
Mandal, Mr. Jogendra Nath.
Maqbul Hosain, Mr.
Mullick, Srijut Ashutosh.
Nasker, Mr. Hem Chandra.
Ramizuddin Ahmed, Mr.
Roy Mr. Kiran Sankar.
Roy Mr. Manmatha Nath.
Sanyal, Mr. Sasanka Sekhar.
Sen, Rai Bahadur Jogesh Chandra.
Sen Gupta, Mrs. Nellie.
Shahedali, Mr.
Shamsuddin Ahmed, Mr. M.
Sinha, Srijut Manindra Bhusan.
Thakur, Mr. Pramatha Ranjan.

**NOES—83.**

Abdul Aziz, Maulana Md.
Abdul Hafiz, Mr. Mirza.
Abdul Hafiz, Mr. Mia.
Abdul Hakim, Maulvi.
Abdul Majid, Mr. Syed.
Abdur Rahman Siddiqi, Mr.
Abdul Motaleb Malik, Dr.
Abdur Rauf, Khan Bahadur Shah.
Abdur Razzak, Maulvi.
Abdus Shakood, Maulvi Md.
Abidur Reza Chowdhury, Khan Bahadur Maulvi.
Abul Hosain Ahmed, Mr.
Abul Quasem, Maulvi.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Ahmed Ali Mridha, Maulvi.
Ahmed Hosain, Mr.
Alfazuddin Ahmed, Khan Bahadur Maulvi.
Amir Ali Mia, Maulvi Md.
Asiad Hossain Khan, Khan Bahadur Maulvi.
Azhar Ali, Maulvi.
Badruddoja, Mr. Syed.
Birkmyre, Sir Henry, Bart.
Biswas, Mr. Rasik Lal.
Chippendale, Mr. J. W.
Clark, Mr. I. A.
Das, Mr. Anukul Chandra.
Das, Rai Sahib Kirit Bhusan.
Edbar, Mr. Upendranath.
Farhad Raza Chowdhury, Mr. M.
Fazlul Huq, the Hon'ble Mr. A. K.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr. (Dacca).
Fazlur Rahman, Mr. (Mymensingh).
Gladding, Mr. D.
Golam Sarwar Hossini, Mr. Shah Syed.
Habibullah, the Hon'ble Nawab Bahadur K., o Dacca.
Hamiduddin Ahmad, Khan Sahib.
Hassanuzzaman, Maulvi Md.
Hasbem Ali Khan, Khan Bahadur Maulvi.
Hendry, Mr. David.
Heywood, Mr. Rogers.
Hirtzel, Mr. H. A. F.
Jalaluddin Ahmad, Khan Bahadur Maulvi.
Kabiruddin Khan, Khan Bahadur Maulvi.
Kennedy, Mr. I. G.
Mahmuddin Ahmed, Dr.
Mandal, Mr. Sanku Behari.

Mandal, Mr. Jagat Chandra.
Maniruddin Akhand, Maulvi.
Morgan, Mr. G., C.I.E.
Muhammad Afzal, Khan Bahadur Maulvi Syed.
Muhammad Ibrahim, Maulvi.
Muhammad Ishaque, Maulvi.
Muhammad Siddique, Khan Bahadur Dr. Syed.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Pulin Behary.
Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustafawsal Haque, Mr. Syed.
Nandy, the Hon'ble Maharaj Srischandra, of Cossimbazar.
Nasarullah, Nawabzada K.
Norton, Mr. M..R.
Raikut, the Hon'ble Mr. Prasanna Deb.
Roy, Mr. Dhananjoy.
Roy, Mr. Patiram.
Sadaruddin Ahmed, Mr.
Sahebe-Alam, Mr. Syed.
Salim Mr. S. A.
Sarkar, Babu Madhusudan.
Sasseen, Mr. R. M.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja, C.B.E.
Sinclair, Mr. J. F.
Sirdar, Babu Litta Munda.
Smith, Mr. H. Brabant.
Steven, Mr. J. W. R.
Speller, Mr. J. H.
Suhrawardy, Mr. H. S.
Tamizuddin Khan, the Hon'ble Mr.
Tofel Ahmed Choudhury, Maulvi Haji.
Walker, Mr. J. R.
Walker, Mr. W. A. M.
Yusuf Ali Choudhury, Mr.
Zahur Ahmed Choudhury, Maulvi.

The Ayes being 41 and the Noes 83, the motions were lost.

The motions of Maulvi Abu Hossain Sarkar that in paragraph (*a*) of clause 4(*5*), line 3, for the figures "10,000" the figures "50,000" be substituted and that in clause 4(*5*) (*c*) for the figures "50,000" the figures "1,00,000" be substituted were then put and a division taken with the following result:—

**AYES—41.**

Abu Hossain Sarkar, Maulvi.
Abul Fazl, Mr. Md.
Banerji, Mr. P.
Banerjee, Mr. Pramatha Nath.
Banerji, Mr. Satya Priya.
Barman, Babu Shyama Prasad.
Biswas, Mr. Surendra Nath.
Bose, Mr. Sarat Chandra.
Chaudhuri, Rai Harendra Nath.
Das Gupta, Babu Khagendra Nath.
Das Gupta, Srijut Narendra Nath.
Dolui, Mr. Harendra Nath.
Dutta Mazumdar, Mr. Niharendu.
Emdadul Haque, Kazi.
Ghose, Mr. Atul Krishna.
Giasuddin Ahmed, Mr.
Gupta, Mr. J. N.
Hasan Ali Choudhury, Mr. Syed.
Jalaluddin Hashemy, Mr. Syed.
Jalan, Mr. I. D.
Jonab Ali Majumdar, Maulvi.
Khan, Mr. Debendra Lall.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nishitha Nath.
Maji, Mr. Ade sita Kumar.
Mal, Mr. Iswar Chandra.
Mandal, Mr. Amrita Lal.
Mandal, Mr. Jogendra Nath.
Maqbul Hosain, Mr.
Mullick, Srijut Ashutosh.
Naskar, Mr. Hem Chandra.
Ramizuddin Ahmed, Mr.
Roy, Mr. Kiran Sankar.
Roy, Mr. Manmatha Nath.
Sanyal, Mr. Sasanka Sekhar.
Sen, Rai Bahadur Jogesh Chandra.
Sen-Gupta, Mrs. Nellie.
Shahedali, Mr.
Shamsuddin Ahmed, Mr. M.
Sinha, Srijut Manindra Bhusan.
Thakur, Mr. Pramatha Ranjan.

**NOES—81.**

Abdul Aziz, Maulana Md.
Abdul Hafiz, Mr. Mirza.
Abdul Hafiz, Mr. Mia.
Abdul Hakim, Maulvi.
Abdul Majid, Mr. Syed.
Abdur Rahman Siddiqi, Mr.
Abdul Motaleb Mallik, Dr.
Abdur Rauf, Khan Bahadur Shah.
Abdur Razzak, Maulvi.
Abdus Shaheed, Maulvi Md.
Abidur Reza Chowdhury, Khan Bahadur Maulvi.
Abul Hossain Ahmed, Mr.
Abul Quasem, Maulvi.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Ahmed Ali Mridha, Maulvi.
Ahmed Hossain, Mr.
Alfazuddin Ahmed, Khan Bahadur Maulvi.
Amir Ali Mia, Maulvi Md.
Aulad Hossain Khan, Khan Bahadur Maulvi.
Azhar Ali, Maulvi.
Badruddoja, Mr. Syed.
Birkmyre, Sir Henry, Bart.
Biswas, Mr. Ranik Lal.
Chippendale, Mr. J. W.

Clarke, Mr. I. A.
Das, Mr. Anukul Chandra.
Das, Rai Sahib Kirit Bhusan.
Edgar, Mr. Upendranath.
Farhad Raza Choudhury, Mr. M.
Fazlul Huq, the Hon'ble Mr. A. K.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr. (Dacca).
Fazlur Rahman, Mr. (Mymensingh).
Gladding, Mr. D.
Golam Sarwar Hosaini, Mr. Shah Syed.
Habibullah, the Hon'ble Nawab Bahadur K., of Dacca.
Hamiduddin Ahmad, Khan Sahib.
Hasanuzzaman, Maulvi Md.
Hashem Ali Khan, Khan Bahadur Maulvi.
Hendry, Mr. David.
Heywood, Mr. Rogers.
Hirtzel, Mr. H. A. F.
Jalaluddin Ahmad, Khan Bahadur Maulvi.
Kabiruddin Khan, Khan Bahadur Maulvi.
Kennedy, Mr. I. G.
Mafizuddin Ahmed, Dr.
Mandal, Mr. Banku Behari.
Mandal, Mr. Jagat Chandra.
Maniruddin Akhand, Maulvi.
Morgan, Mr. G., C.I.E.
Muhammad Afzal, Khan Bahadur Maulvi Syed.
Muhammad Ibrahim, Maulvi.
Muhammad Ishaque, Maulvi.
Muhammad Siddique, Khan Bahadur Dr. Syed.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Putin Behary.
Mushharruf Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustaqunsai Haque, Mr. Syed.
Nandy, the Hon'ble Maharaja Srischandra, of Cossimbazar.
Nasarullah, Nawabzada K.
Norton, Mr. H. R.
Raikut, the Hon'ble Mr. Prasanna Deb.
Roy, Mr. Dhananjoy.
Roy, Mr. Patiram.
Sadaruddin Ahmed, Mr.
Sahebe-Alam, Mr. Syed.
Salim, Mr. S. A.
Sarkar, Babu Madhusudan.
Sasoon, Mr. R. M.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja, C.B.E.
Sinclair, Mr. J. F.
Sirdar, Babu Litta Munda.
Smith, Mr. H. Brabant.
Steven, Mr. J. W. R.
Suhrawardy, the Hon'ble Mr. H. S.
Speller, Mr. J. H.
Tofel Ahmed Chowdhury, Maulvi Haji.
Walker, Mr. W. A. M.
Yusuf Ali Choudhury, Mr.
Zahur Ahmed Choudhury, Maulvi.

The Ayes being 41 and the Noes 81, the motions were lost.

**Mr. SPEAKER:** There remains amendment No. 61 which has virtually been disposed of by Rai Harendra Nath Chaudhuri's amendment, except a very minor point. I think that it should be put separately and disposed of formally.

**Rai HARENDRA NATH CHAUDHURI:** On a point of order, Sir. After all, the sum is not a minor matter in a taxation measure.

**Mr. SPEAKER:** That has been disposed of. I am putting amendment No. 61 now. Instead of calling a division, you might just dispose it off.

**Mr. SASANKA SEKHAR SANYAL:** Would it not be better to keep it open?

**The Hon'ble Mr. H. S. SUHRAWARDY:** No.

The amendment of Mr. Surendra Nath Biswas that for sub-clause (5) of clause 4 the following be substituted, namely:—

"(5) In this Act the expression 'taxable quantum' means—

(*a*) in relation to any dealer who imports for sale any goods into Bengal, 10,000 rupees; and

(*b*) in relation to any other dealer, 50,000 rupees"

was then put and lost.

The motion of Mr. Atul Krishna Ghose that in clause 4(*5*) (*b*), line 2, after the word "prescribed" at the end, the following be inserted, namely:—

"the minimum being Rs. 20,000"

was then put and a division called.

(After the division bell when Mr. Speaker rose to put the motion a second time, he spoke as follows.)

**Mr. SPEAKER:** Before I put this last motion for the day to vote, I may say that to-morrow we meet as usual at 4-45 p.m., and I may announce to-day that on Saturday the House will meet for the presentation of the Budget at 10 a.m. I would have fixed the time at 10-30 a.m., but I cannot do so as the Council will also meet on that day.

**Mr. SASANKA SEKHAR SANYAL:** May we expect, Sir, that the Government will give us the programme of the week after the next.

**Mr. SPEAKER:** But the House will be adjourned day after to-morrow and will not reassemble before the 25th afternoon

**Mr. KHWAJA SHAHABUDDIN:** Sir, the General Discussion of the Budget has been fixed for the 25th, 26th, 27th February, and the 3rd of March. There will be non-official business on the 28th February. After the 3rd of March, we will go on with the Finance Bill.

The motion of Mr. Atul Krishna Ghose that in clause 4(*5*) (*b*), line 2, after the word "prescribed," the following be inserted, namely:—

"the minimum being Rs. 20,000,"

was then put and a division taken with the following result:—

**AYES—40.**

| | |
|---|---|
| Abu Hossain Sarkar, Maulvi. | Jonab Ali Majumdar, Maulvi. |
| Abul Fazl, Mr. Md. | Khan, Mr. Debendra Lall. |
| Banerji, Mr. P. | Kumar, Mr. Atul Chandra. |
| Banerjee, Mr. Pramatha Nath. | Kundu, Mr. Nishitha Nath. |
| Banerji, Mr. Satya Priya. | Maji, Mr. Adwaita Kumar. |
| Barman, Babu Shyama Prosad. | Mal, Mr. Iswar Chandra. |
| Biswas, Mr. Surendra Nath. | Mandal, Mr. Amrita Lal. |
| Bose, Mr. Sarat Chandra. | Mandal, Mr. Jogendra Nath. |
| Chaudhuri, Rai Harendra Nath. | Maqbul Hossain, Mr. |
| Das Gupta, Babu Khagendra Nath. | Mallick, Srijut Ashutosh. |
| Das Gupta, Srijut Narendra Nath. | Naskar, Mr. Hem Chandra. |
| Dolui, Mr. Harendra Nath. | Ramiuddin Ahmed, Mr. |
| Dutta Mazumdar, Mr. Niharendu. | Roy, Mr. Kiran Sankar. |
| Emdadul Haque, Kazi. | Roy, Mr. Manmatha Nath. |
| Ghose, Mr. Atul Krishna. | Sanyal, Mr. Sasankar Sekhar. |
| Giasuddin Ahmed, Mr. | Sen-Gupta, Mrs. Nellie. |
| Gupta, Mr. J. N. | Shahedali, Mr. |
| Hasan Ali Chowdhury, Mr. Syed. | Shamsuddin Ahmed, Mr. M. |
| Jalaluddin Hashemy, Mr. Syed. | Sinha, Srijut Maniendra Bhusan. |
| Jalan, Mr. I. D. | Thakur, Mr. Pramatha Ranjan. |

**NOES—75.**

Abdul Aziz, Maulana Md.
Abdul Hafiz, Mr. Mirza.
Abdul Hafiz, Mr. Mia.
Abdul Hakim, Maulvi.
Abdul Majid Mr. Syed.
Abdur Rahman Siddiqi, Mr.
Abdul Motalob Malik, Dr.
Abdur Rauf, Khan Bahadur Shah.
Abdur Razzak, Maulvi.
Abdus Shahood, Maulvi Md.
Abidur Reza Chowdhury, Khan Bahadur Maulvi.
Abul Hossain Ahmed, Mr.
Abul Quasem, Maulvi.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Ahmed Ali Mridha, Maulvi.
Ahmed Hossain, Mr.
Alfazuddin Ahmed, Khan Bahadur Maulvi.
Amir Ali Mia, Maulvi Md.
Aulad Hossain Khan, Khan Bahadur Maulvi.
Azhar Ali, Maulvi.
Badruddoja, Mr. Syed.
Birkmyre, Sir Henry, Bart.
Biswas, Mr. Rasik Lal.
Chippendale, Mr. J. W.
Clark, Mr. I. A.
Das, Mr. Anukul Chandra.
Das Rai Sahib Kirit Bhusan.
Edbar, Mr. Upendranath.
Farhad Raza Chowdhury, Mr. M.
Fazlul Huq, the Hon'ble Mr. A. K.
Faz ul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr. (Dacca).
Fazlur Rahman, Mr. (Mymensingh).
Gladding, Mr. D.
Golam Sarwar Hossini, Mr. Shah Syed.
Habibullah, the Hon'ble Nawab Bahadur K., of Dacca.
Hamiduddin Ahmad, Khan Sahib.
Hassanuzzaman, Maulvi Md.
Heywood Mr. Rogers.
Hirtzel, Mr. H. A F.
Jalaluddin Ahmad, Khan Bahadur Maulvi.
Kabiruddin Khan, Khan Bahadur Maulvi.
Mafizuddin Ahmed, Dr.
Mandal, Mr. Banku Behari.
Mandal, Mr. Jagat Chandra.
Maniruddin Akhand, Maulvi.
Morgan, Mr. G., C.I.E.
Muhammad Afzal, Khan Bahadur Maulvi Syed.
Muhammad Ibrahim, Maulvi.
Muhammad Ishaque, Maulvi.
Muhammad Siddique, Khan Bahadur Dr. Syed.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Pulin Behary.
Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustagawsal Haque, Mr. Syed.
Nandy, the Hon'ble Maharaja Srischandra, of Cossimbazar.
Nasarullah, Nawabzada K.
Raikut, the Hon'ble Mr. Prasanna Deb.
Roy, Mr. Dhananjoy.
Roy, Mr. Patiram.
Sadaruddin Ahmed, Mr.
Sahebe-Alam, Mr. Syed.
Salim, Mr. S. A.
Sarkar, Babu Madhusudan.
Sasseen, Mr. R. M.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja, C. B. E.
Sinclair, Mr. J. F.
Sirdar, Babu Litta Munda.
Smith, Mr. H. Brahant.
Steven, Mr. J. W. R.
Suhrawardy, the Hon'ble Mr. H. S.
Speller, Mr. J. H.
Tofel Ahmed Choudhury, Maulvi Haji.
Yusuf Ali Choudhury, Mr.

The Ayes being 40 and the Noes 75, the motion was lost.

## Adjournment.

It being 8-10 p.m.—

The House was adjourned till 4-45 p.m. on Friday, the 14th February, 1941, at the Assembly House, Calcutta.

## Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Friday, the 14th February, 1941, at 4-45 p.m.

**Present:**

Mr. Speaker (the Hon'ble Sir MUHAMMAD AZIZUL HAQUE, C.I.E., Khan Bahadur) in the Chair, 9 Hon'ble Ministers and 197 members.

## STARRED QUESTIONS

**(to which oral answers were given)**

### Legislation for agricultural income-tax.

*71. **Maulvi MD. ISRAIL:** (*a*) Will the Hon'ble Minister in charge of the Finance Department be pleased to state whether Government contemplate bringing up any legislation during the term of this Assembly to tax agricultural income?

(*b*) If the answer to (*a*) is in the negative, will the Hon'ble Minister be pleased to state the reason therefor?

**MINISTER in charge of the FINANCE DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy):** (*a*) The question is still under consideration.

(*b*) Does not arise.

**Mr. SASANKA SEKHAR SANYAL:** Will the Hon'ble Minister be pleased to state whether he has got materials from other provinces in which agricultural income-tax has been imposed?

**The Hon'ble Mr. H. S. SUHRAWARDY:** We have collected all the materials necessary for a proper consideration of this subject.

**Mr. NIHARENDU DUTTA MAZUMDAR:** Will the Hon'ble Minister be pleased to state what is Government's view in the matter so far?

**Mr. SPEAKER:** That is a question of opinion.

**Mr. NIHARENDU DUTTA MAZUMDAR:** No, not opinion, Sir. I ask for the view of Government. All right, Sir, I shall put the question in another form.

**The Hon'ble Mr. H. S. SUHRAWARDY:** I can give the view. The view is that this is a matter worth consideration. (Laughter.)

**Mr. NIHARENDU DUTTA MAZUMDAR:** In view of the Hon'ble Minister's answer, does he think it worth considering judiciously or just considering it as other things are considered?

**The Hon'ble Mr. H. S. SUHRAWARDY:** This is a matter worth serious and expeditious consideration.

**Mr. NIHARENDU DUTTA MAZUMDAR:** Will the Hon'ble Minister be pleased to state what will be the result of his expeditious consideration, namely, by what date can we have the Government's formulated view on the whole subject?

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, I do not think that any honourable member will ever succeed in inducing me to give an approximate time.

**Survey settlement operation at Berhampore in Murshidabad.**

***72. Mr. SASANKA SEKHAR SANYAL:** Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*a*) whether survey settlement operations are in progress at Berhampore in Murshidabad in relation to lands under the khasmahal;

(*b*) the reasons for such further settlement within a few years of the cadastral survey settlement; and

(*c*) whether Government have in contemplation any enhancement of rents within the said khasmahal area, and if so, what are the reasons?

**MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy):** (*a*) and (*b*) Yes; operations under section 101 of the Bengal Tenancy Act, 1885, and section 3 of the Bengal Non-Agricultural Land Assessment Act, 1936, are going on in five Crown estates lying at Berhampore for the purpose of settlement of fair rent and revenue. Of these estates, two were purchased on behalf of the Crown at Revenue sales subsequent to the District

Settlement and the term of settlement of the other estates had not expired before the District Settlement; hence, land revenue settlement could not then be taken up in respect of them.

(c) The operations are in progress and it is too early to make any statement in the matter. The proposals for settlement of fair and equitable rents will be published according to the rules.

**Mr. SASANKA SEKHAR SANYAL:** Will the Hon'ble Minister be pleased to state what is the attitude of Government towards rents in respect of tenancies which are still going on from before?

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** Sir, this is a very vague question. Government have no attitude. Their attitude is to settle fair rents and not unfair rents.

**Mr. SASANKA SEKHAR SANYAL:** My question was whether Government have in contemplation enhancement of rent in the said *khasmahal* area—

**Mr. SPEAKER:** After all, these things have to be done under the Act. I have never yet heard that there has been any Government instruction as to the nature of enhancement.

**Mr. SASANKA SEKHAR SANYAL:** Sir, my question was purely with regard to enhancement of rent. Under the Act Government has some power under the Bengal Tenancy Act and the non-Agricultural Land Tenancy Act to get a settlement of fair and equitable rent, but my question did not relate to those lands in respect of which assessment had not been made. My question was in respect of tenancies of which rents are already running. What is the Government policy with regard to the enhancement of rents which are still existing. For example, in the Bengal Tenancy Act which has been amended in this House, Government has laid down a policy that for a certain portion there will be no enhancement. Similarly, with regard to the urban areas or other *khasmahal* areas the same question arises as to what is the Government policy with regard to rent of these particular kinds of tenancies.

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** The question is this: "Whether Government have in contemplation any enhancement of rents within the said *khasmahal* area, and if so, what are the reasons"; but *khasmahal* lands include urban areas as well as agricultural areas. So with regard to urban areas there can be no question of enhancement, as my honourable friend knows very well, under section 75 of the Bengal Tenancy Act. With regard to agricultural areas there may be enhancement, there may be reduction or the present rent can be maintained. It is difficult to forecast.

**Mr. SASANKA SEKHAR SANYAL:** Will the Hon'ble Minister read the question very carefully—I mean question (*c*)?

**Mr. SPEAKER:** The Hon'ble Minister says that it is very difficult to answer that.

**Mr. SASANKA SEKHAR SANYAL:** Will the Hon'ble Minister be pleased to state whether there has been a meeting of the *khas mahal* tenants of Berhampore in which they have conveyed their protest against any contemplated enhancement of rent?

**Mr. SPEAKER:** That question does not arise.

### Closing of the mouth of the canal near Raipur station by railway embankment.

*73. **Mr. ABDULLA-AL MAHMOOD:** (*a*) Has the attention of the Hon'ble Minister in charge of the Public Health Department been drawn to starred questions Nos. 29 of the 16th February, 1938, 366 of the 7th April, 1938, 184 of the 24th August, 1938, and 161 of the 9th March, 1938, and 124 of the 20th December, 1939, put in the Assembly with regard to the situation that has arisen on account of the closing of the mouth of the canal near Raipur station by railway embankment?

(*b*) If so, will the Hon'ble Minister be pleased to state what steps have so far been taken in the matter either by Government or by the Railway authorities?

(*c*) If no steps have been taken, will the Hon'ble Minister be pleased to state the reason thereof?

(*d*) Will the Hon'ble Minister be pleased to state what action, if any, the Government propose to take in the matter and when?

**MINISTER in charge of the PUBLIC HEALTH and LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca):** (*a*) Yes.

(*b*) and (*c*) The member is referred to the reply given to clause (*b*) of the starred question No. 124 asked by him in the Assembly on the 20th December, 1939. On the consideration of the report of the Joint Inspection Committee, it was decided that further observations as to the flood conditions in the locality should be made during the rainy season of 1940. These observations could not, however, be completed during 1940, and it is proposed to make further observations during the flood season of 1941.

(*d*) It would depend on the findings of the Joint Inspection Committee.

**Mr. ABDULLA-AL MAHMOOD:** Will the Hon'ble Minister be pleased to state whether he is aware that the Joint Inspection Committee observed that malaria is purely due to the closing of the mouth of the canal near that station?

**The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:** Yes.

**Mr. ABDULLA-AL MAHMOOD:** Will the Hon'ble Minister be pleased to state whether he is aware that the Joint Inspection Committee also observed that the closing of the mouth of that canal is absolutely necessary?

**The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:** A report was sent by the then Subdivisional Officer that the Engineer of the Eastern Bengal Railway had accepted the proposition of the honourable member, but I found that the Railway Board did not agree with the report of the Joint Inspection Committee. They said that there were enough bridges for flushing.

**Telegraphic communication between Sandwip and Noakhali.**

***74. Mr. SYED ABDUL MAJID:** (*a*) Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state whether Government are considering the desirability of a telegraphic communication being established between the main land and Sandwip?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the approximate time when the telegraphic connection will be established?

**MINISTER in charge of the COMMERCE and LABOUR DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy):** (*a*) Yes.

(*b*) The Postmaster-General, Bengal and Assam Circle, has informed Government that it is not likely to be completed this financial year as the availability of a suitable type of the cable is still under correspondence with the manufacturers.

**Sinking of tube well in Atraighat railway station on the Eastern Bengal Railway.**

***76. Maulvi M. MOSLEM ALI MOLLAH:** (*a*) With reference to the answer given to my starred question No. 307, dated the 26th March, 1938, regarding the sinking of a tube well in the Atraighat railway station of Eastern Bengal Railway for the supply of pure drinking

water to the passengers thereof, will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state whether any tube well has since been sunk in the place?

(*b*) If the answer to (*a*) is in the negative, will the Hon'ble Minister be pleased to state—

(*i*) what action has since been taken by Government in the matter; and

(*ii*) when funds for the purpose as stated in the answer to the question under reference, will be available and the work taken up?

**MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar):** (*a*) No.

(*b*) (*i*) I understand the question of sinking tube wells at stations over the Eastern Bengal Railway system is receiving special attention of the Railway administration. Stations are being provided with tube wells in order of priority.

(*ii*) I am informed that further allotment of funds for tube wells at stations may be expected during 1941-42.

## Purchase of khaddar and other products of cottage industries by Government.

***76. Dr. SURESH CHANDRA BANERJEE:** (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state whether his attention has been drawn to the United Press message published in the *Amrita Bazar Patrika*, January 24, 1941, to the effect that "The Indian military authorities propose to purchase *khaddar*, woollen blankets and hand woven stuff at the Gandhi Ashram, Gadro, Thaparsar district, for use of troops in active service"?

(*b*) If so, will the Hon'ble Minister be pleased to state the steps, if any, taken by this Government so far to stimulate similar industries in Bengal by purchasing stuff for use in Government departments from the various organisations engaged in producing *khaddar* and such other cottage industries as hand-made paper?

**MINISTER in charge of the AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan):** (*a*) Yes.

(*b*) The policy underlying the rules promulgated for the supply of articles to be purchased for the public service in Bengal is the encouragement of the industries of the country to the utmost possible extent consistent with economy and efficiency. With a view to give effect to

this policy the departments of Government and officers have been specially authorised to allow a degree of preference in respect of price to articles produced or manufactured in Bengal.

**Mr. ATUL CHANDRA SEN:** Will the Hon'ble Minister be pleased to state, with reference to answer (*b*), whether Government have issued any specific instructions asking their departments to purchase *khaddar* even by allowing a degree of preference in respect of price?

**The Hon'ble Mr. TAMIZUDDIN KHAN:** Our policy does not exclude *khaddar*.

**Mr. ATUL KRISHNA GHOSE:** In view of the fact that Government are going to realise sales tax from the people, will the Hon'ble Minister be pleased to consider the desirability of making it compulsory for Government departments to purchase products of Bengal in preference to products of other provinces when they are available?

**Mr. SPEAKER:** I cannot allow the first part of your question.

**Mr. ATUL KRISHNA GHOSE:** Will Government consider the desirability of issuing instructions to their departments to make it compulsory that they will purchase Bengal products whenever they are available?

**The Hon'ble Mr. TAMIZUDDIN KHAN:** In view of other considerations, that is not possible.

**Mr. ATUL KRISHNA GHOSE:** Will the Hon'ble Minister be pleased to state quantities of products of Bengal have been purchased up till now in preference to the products of other provinces?

**The Hon'ble Mr. TAMIZUDDIN KHAN:** I want notice.

**Mr. ATUL KRISHNA GHOSE:** Will the Hon'ble Minister be pleased to give us an idea with regard to *khaddar* and other cloths as to what is the average difference in prices between the products of Bengal and those of other provinces?

**The Hon'ble Mr. TAMIZUDDIN KHAN:** I have no idea.

**Mr. NIHARENDU DUTTA MAZUMDAR:** With reference to his answer that officers of Government departments have been specially authorised to allow a degree of preference in respect of prices to

articles produced and manufactured in Bengal, will the Hon'ble Minister be pleased to state whether this term "specially authorized" is mandatory or is it only a sort of discretion given to the Government departments and officers?

**The Hon'ble Mr. TAMIZUDDIN KHAN:** Recommendatory.

**Mr. NIHARENDU DUTTA MAZUMDAR:** Will the Hon'ble Minister be pleased to state whether, with a view to give effect to the policy of giving preference in respect of such articles, Government are considering the desirability of issuing specific instructions of a mandatory character asking them to purchase articles produced in Bengal including *khaddar*?

**The Hon'ble Mr. TAMIZUDDIN KHAN:** The recommendation of the Government to their own departments operates something like mandatory instructions

**Mr. NIHARENDU DUTTA MAZUMDAR:** Will the Hon'ble Minister be pleased to state when was this recommendation made by Government to their departments?

**The Hon'ble Mr. TAMIZUDDIN KHAN:** In 1935

**Mr. NIHARENDU DUTTA MAZUMDAR:** Will the Hon'ble Minister be pleased to state since then what proportion of Government orders have been placed actually for the purchase of such articles?

**The Hon'ble Mr. TAMIZUDDIN KHAN:** These purchases are made by all the departments of Government, and unless a specific question is put, I am not in a position to collect the data.

**Mr. NIHARENDU DUTTA MAZUMDAR:** Will the Hon'ble Minister be pleased to state, for example, rather than lumping all the departments together, what proportion of orders for the purchase of textiles was placed by the Police Department?

**Mr. SPEAKER:** He cannot say that.

**Mr. NIHARENDU DUTTA MAZUMDAR:** The Hon'ble Minister may have that information. Sir, why do you rule out that possibility?

**Mr. SPEAKER:** It is not his department.

**Srijut MANINDRA BHUSAN SINHA:** Will the Hon'ble Minister be pleased to state if he is aware that Government's recommendation is honoured more in its breach than its observance?

**The Hon'ble Mr. TAMIZUDDIN KHAN:** I do not think so, but I would remind the House of one thing that so far as the purchases by the various departments of the Government of Bengal are concerned, they are mostly made through the Stores Purchase Agency of the Government of India. The Government of Bengal also considered a scheme for establishing their own Stores Purchase Agency, but on account of the intervention of the war the scheme is now in abeyance.

**Mr. ATUL CHANDRA SEN:** Is the Hon'ble Minister aware that decent police uniforms can be made of *khaddar* at a cost not much higher than the cost of making them of other cloths.

**Mr. SPEAKER:** That question does not arise.

**Mr. SURENDRA NATH BISWAS:** Will the Hon'ble Minister be pleased to state whether Government are in favour of their departments purchasing *khaddar*?

**The Hon'ble Mr. TAMIZUDDIN KHAN:** Government are certainly in favour of purchasing indigenous articles including *khaddar*, provided such purchases are consistent with economy, efficiency and durability.

**Mr. J. F. SINCLAIR:** Will the Hon'ble Minister be pleased to state whether the Gandhi Ashram has signified its willingness to supply *khaddar* goods to troops on active service?

**The Hon'ble Mr. TAMIZUDDIN KHAN:** Sir, am I expected to answer that question?

**Mr. SPEAKER:** I don't know.

**The Hon'ble Mr. TAMIZUDDIN KHAN:** Whether the Gandhi Ashram has decided to do so or not is outside my province to say.

**Mr. ATUL KRISHNA GHOSE:** Will the Hon'ble Minister be pleased to make an enquiry whether their recommendations have been acted up to by the departments or not?

**The Hon'ble Mr. TAMIZUDDIN KHAN:** My friend must wait if he wants definite information.

**Bengal Provincial Co-operative Bank and its audit report.**

***77. Dr. NALINAKSHA SANYAL:** (*a*) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state what are the last three years for which the

audit report and audited accounts and balance sheet of the Bengal Provincial Co-operative Bank have been prepared and published for the information of the members?

(*b*) If Government would be prepared to lay on the table a copy of each of these audit reports, accounts and balance sheet at least a week before the next budget discussions on the grant for the Co-operative Department will be taken up in the Assembly?

**MINISTER in charge of the CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick):** (*a*) 1937-38, 1938-39 and 1939-40 are the last three years for which audit reports and audited accounts including the balance sheet have been prepared. Audited accounts including the balance sheet for 1937-38 and 1938-39 were supplied to the members in due course and those for the year 1939-40 are under print.

(*b*) As these reports and accounts are meant for the share-holders only, it is not possible to place them on the table.

**Mr. NIHARENDU DUTTA MAZUMDAR:** Will the Hon'ble Minister be pleased to state whether these reports and accounts are prepared and submitted under the authority and supervision of the Co-operative Department of the Government?

**The Hon'ble Mr. MUKUNDA BEHARY MULLICK:** No, Sir.

**Mr. NIHARENDU DUTTA MAZUMDAR:** Will the Hon'ble Minister be pleased to state under whose permission and control these reports are prepared and published?

**The Hon'ble Mr. MUKUNDA BEHARY MULLICK:** The directorate of the Provincial Bank.

**Mr. NIHARENDU DUTTA MAZUMDAR:** Will the Hon'ble Minister be pleased to state whether since this question was tabled Government made any attempt to secure copies of such accounts and reports from the authorities concerned for circulation among the members of this House?

**The Hon'ble Mr. MUKUNDA BEHARY MULLICK:** Government have got no control over the internal affairs of the Provincial Bank and, therefore, it was not possible to have them.

**Mr. NIHARENDU DUTTA MAZUMDAR:** My question was, did the Government make an effort——

**Mr. SPEAKER:** Is that the duty of the Government?

**Mr. NIHARENDU DUTTA MAZUMDAR:** Sir, in this question it was enquired as to whether it would be possible for members to get copies.

**Mr. SPEAKER:** Government say, "we have no responsibility for it." You cannot get everything to be done by Government.

**Mr. NIHARENDU DUTTA MAZUMDAR:** Government may enquire of different organisations to get the information asked for. My supplementary question is—did Government make any effort to secure such information as copies of reports and accounts.

**Mr. SPEAKER:** That question does not arise.

## UNSTARRED QUESTIONS

**(to which answers were laid on the table)**

### Recording of char areas in certain police-stations, Kishoreganj subdivision.

**36. Maulvi MD. ISRAIL:** (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state—

(*i*) whether it is a fact that *char* areas in police-stations Hossainpur, Pakundia and Kathiady in the Kishoreganj subdivision, where no crop other than jute is grown, have not been recorded under section 3 (*2*) of the Jute Regulation Act;

(*ii*) whether it is a fact that the contents of the provisions of section 3 (*2*) of the Jute Regulation Act have not been communicated to the people concerned during the jute registration of 1940; and

(*iii*) whether any representation has been received by Government from the jute-growers of these areas for getting their lands in the *char* areas recorded under section 3 (*2*) of the Jute Regulation Act?

(*b*) If the answer to (*a*) (*iii*) is in the affirmative, what action do the Government contemplate taking on these representations?

**The Hon'ble Mr. TAMIZUDDIN KHAN:** (*a*) (*i*) No.

(*ii*) No. Notice under section 3 (*2*) of the Act was issued simultaneously with that under section 3 (*1*) stating clearly the provisions of the sub-section.

(iii) Yes.

(b) Applications under section 3 (2) were duly dealt with under the Act and the Rules. It is not possible now to deal with belated claims of this nature. Due notice was given to all concerned and the Act does not provide for receiving such applications after the record has been authenticated.

**Mr. CHARU CHANDRA ROY:** Will the Hon'ble Minister be pleased to state whether it is the general complaint of the district that lands on which nothing but jute can be grown were not recorded under section 3(2)?

**The Hon'ble Mr. TAMIZUDDIN KHAN:** No, Sir.

**Mr. SURENDRA NATH BISWAS:** Will the Hon'ble Minister be pleased to state whether he is aware that in the printed form for recording jute lands there is no column for recording jute lands under section 3(2)?

**The Hon'ble Mr. TAMIZUDDIN KHAN:** I cannot say.

**Mr. MONMOHAN DAS:** Will the Hon'ble Minister be pleased to state whether it is a fact that in the eastern parts of the Netrokona and Kishoreganj subdivisions there are some lands known as *Bhati* lands where nothing but jute is grown, but that these have not been recorded under section 3(2)?

**The Hon'ble Mr. TAMIZUDDIN KHAN:** No, Sir.

**Mr. CHARU CHANDRA ROY:** Will the Hon'ble Minister be pleased to state whether Government are prepared to make an enquiry into the matter in order to find out if this is a general complaint in the district?

**The Hon'ble Mr. TAMIZUDDIN KHAN:** Sir, Government has this in view, that when the amending Act is enforced, certainly there will be applications for correction of the records in this respect, and when such applications are made, Government will make an exhaustive enquiry to find out whether those lands are capable of producing any other crop.

**Mr. CHARU CHANDRA ROY:** Will the Hon'ble Minister be pleased to state whether on account of these lands not being recorded many cultivators will have to pay rents without cultivating their own lands?

**The Hon'ble Mr. TAMIZUDDIN KHAN:** It goes without saying that if a particular land is not fit for any crop other than jute, naturally that land will remain fallow.

**Mr. CHARU CHANDRA ROY:** Will the Hon'ble Minister be pleased to state whether Government are ready to make an enquiry into this matter, namely, that there are lands on which nothing but jute can be grown which will lie fallow as a result of jute regulation?

**The Hon'ble Mr. TAMIZUDDIN KHAN:** I have already said, Sir, that Government will make an enquiry when applications are received.

**Mr. SURENDRA NATH BISWAS:** Will the Hon'ble Minister be pleased to state, in view of his answer that he is not aware whether in the printed form in which jute lands are to be recorded, there is a column of jute lands under section 3(*2*), how is it that he says that it is a fact that such lands have been——

**Mr. SPEAKER:** The question does not arise.

**Mr. ATUL KRISHNA GHOSE:** Will the Hon'ble Minister consider the desirability of exempting those lands from rent which have not been recorded due to negligence or ignorance of his department?

**Mr. SPEAKER:** That question does not arise.

**Mr. JOGESH CHANDRA GUPTA:** Having regard to the fact that most of the cultivators are illiterate and may not avail themselves of the method of application for correction of the record, is the Hon'ble Minister considering the desirability of correcting the records on his own initiative?

**The Hon'ble Mr. TAMIZUDDIN KHAN:** Sir, what Mr. Gupta says can certainly be done under the amending Act, but I do not agree with him that the cultivators of Bengal, because they are illiterate, will not avail themselves of the method of making applications. Already they are filing applications under no law whatsoever, and I am sure when the amending Act will be enforced, Government will be flooded with applications.

## NON-OFFICIAL RESOLUTIONS.

**Maulvi AZHAR ALI:** Sir, I beg to move that this Assembly is of opinion that the Government do take up the work of construction of Trunk Road No. 26 from Pabna in preference to other roads.

**Mr. SYED JALALUDDIN HASHEMY:** I rise on a point of order, Sir. Is this resolution in order? Government follow certain schemes, certain plans, certain procedure. Now, if a member belonging to the majority party comes forward and says that in preference to other works Government should take up a particular work, then, Sir, the administration will be impossible. Sir, if you allow this sort of resolutions, then it will be impossible——

**Mr. SPEAKER:** I wish I had the power to reject it, but I have no such power.

**Mr. SYED JALALUDDIN HASHEMY:** Then, will you kindly ask the Hon'ble Minister not to accept this resolution?

**Mr. SPEAKER:** I am sorry, I cannot do it.

**Maulvi AZHAR ALI:** In reply to my friend's objection that administration would be disturbed if Government take up a particular work in preference to others, I would submit that Government have already failed to follow the programme initiated by Mr. King, the Special Officer. For this reason I say that Government should take up this road, Trunk Road No. 26. As the Government have already taken up Road No. 32, Sir, I may say that Government have violated the rule if it can be called violation. If Government think that some road is more important than others, I think there is no bar against Government taking up that road in preference to other roads. I place before the House that though this is a local matter, it is a very important matter and cannot be neglected.

First of all, I would submit, Sir, that the district of Pabna is so situated that its headquarter town is practically unapproachable by the people of East Pabna. There is no railway communication, there is no steamer service. This is the only district in the whole of the province which has not got any sort of communication. Of course, the district of Barisal also has got no railway communication, but there are steamer and other services in the interior of the district. But, Sir, this unfortunate district of Pabna has no such communication. Previously, there were innumerable channels and *khals* issuing out from the rivers Padma and Brahmaputra. These rivers are now practically doing no good to the district, but are rather doing some harm to it. The river Padma having its erosion on the side of the southern district, the river Brahmaputra—generally known as Jumna—is making its erosion on the eastern side. The result of this erosion is that the two banks, the northern and western banks, of these two rivers are rising up resulting in the filling and silting up of innumerable channels and *khals*. As a consequence, flood water and spill water generally come late, but when

they come they come at a time practically ruining the crops of the whole area. For this the people of Pabna approached the Government for some solution, but we think the Government is taking practically no action under the guise that there is a contour survey and that after the survey is over steps should be taken. We do not know when this contour survey will be finished and when the Government will be in a position to take action.

Now, I come to the question of communication. As previously there were innumerable *khals* and channels within the district, people did not feel so much difficulty as they are feeling now. Now those natural channels are gradually being silted up and most of them dried up, there is practically no communication possible between the dry and rainy seasons. Of course in the dry season there is some communication by motor bus and the Hon'ble Minister in charge had the kindness to admit that save and except by motor bus in dry season the people of East Pabna cannot reach their headquarter town in other seasons without much difficulty, and Government has admitted that there is no possibility of any railway line in the near future through the Pabna district for which people of Pabna tried so much, made representations and waited in deputations upon the Government.

Sir, this is a district in which a road has been constructed from Ishwardi to Pabna and Government often takes a sort of pride in saying that much has been given to the share of Pabna by the construction of this road. I will submit here, Sir, that this is a road which was sanctioned and the construction of which was started not under the régimé of this Government, but under the régimé of the previous Government, and I doubt and reasonably doubt, Sir, whether it could have been at all possible for this Government to take up this work. Moreover, there is another reason. This Pabna-Ishwardi road, a distance of 17 to 18 miles, was constructed not on the requisition of the public, not to redress the grievances of the local people, but for the sake of administrative purposes and for nothing else. It is the only outlet from this district to the outside world. The Eastern Bengal Railway line from Calcutta to Siliguri passes by the western side of Pabna touching at Ishwardi and this is the only station in the Pabna district in the Sadar subdivision and from this Ishwardi station Government officers and high authorities are to go to Pabna and this was the necessity——

**Mr. SPEAKER:** Do not allow the high authorities to go there. Let them be locked out there. (Laughter.)

**Maulv' AZHAR ALI:** However, Sir, this is the only outlet through which the people from outside Pabna can enter the town and there were some administrative purposes, as I said before. Had there

been no such road as has been made at present, we would not have felt any difficulty. There was a *pucca* road from Ishwardi to Pabna and the road was a motorable one. Of course it was not so good as it has been turned now. So the people were not in so much difficulty in passing from Ishwardi to Pabna as they are feeling to come to the headquarter town from the eastern part of the district.

Regarding the distance, I would submit to the House through you, Sir, that from Pabna sadar headquarter town the distance to the east on the one side is about 35 or 40 miles and to the south-east it is about 50 miles, without any good road, without any steamer service to reach the headquarter town. Previously there was a steamer service from Goalundo to Lalgola touching at some stations in the district by the side of the river Ganges, but after the construction of this Pabna-Ishwardi road the steamer service was stopped. There were two reasons for this. First, previously when the road was not so good as it is now, people used to pass by that steamer and the district board used to pay a subsidy; but after the construction of this tarred road the district board was not relieved of the liability about the repair of the road and as a consequence the district board was not in a position to pay the subsidy to the Steamer Company and the steamer service was stopped. There is a ferry service from Bhangura to the eastern side, but that ferry service cannot be run more than three or four weeks during high flood. During the early flood the first water cannot reach this canal. Just when water rises a little, the whole course is chocked by water-hyacinth. So the only alternative for the people of Pabna is to come *vid* Goalundo, Kustia, Poradah and then *vid* Ishwardi; that is, revolving the Cape of Good Hope. The people of Pabna shall have to pass four or five districts to reach the headquarter town where they are forced to come often for their medical help, for their legal help and all other things, specially as the administrators of the district reside there.

The other day in answering to my question No. 64 (starred) of this session, the Government had the kindness to admit that there are all these difficulties, but the Government was also pleased to remind me of the fact that Government has decided to work according to some programme. Of course, I do not like that the Government should give up its programme and take up anything and everything, but I will submit, Sir, about the programme that has been made for certain work which we find in the Budget. In Bakarganj Executive Division, construction of the Jhikargacha bridge on the Jessore Road; construction of road from Bagrakote to Sevoke including construction of a bridge over the Teesta river in Darjeeling division; Comilla-Mainamati-Barkanta-Daudkandi Road in Chittagong Division, and diversion of Grand Trunk Road in the 13th mile near Hastings Jute Mills, diversion of Grand Trunk Road near Hooghly and construction of Saraswati

bridge on Grand Trunk Road in the Hooghly Division. The Government have taken up the North Bengal Highway Laskarghat to Birganj portions in the district of Dinajpur for construction and the construction is in progress. Here, I would submit, Sir, through you to the Government, that after the completion of these works or when these works will be near to completion, Government may take up this work No. 26 which is not less important. This Road No. 26 is called the Pabna-Beldangi Road. It passes from Pabna through Bogra, Rangpur and a small portion of Dinajpur and running towards the towns of Santhia, Sahzadpur, Ullapara, Rayganj, Sherpur, Bogra, Shibganj, Gobindganj, Palasbari, Pirganj, Mithapukar, Raypur and Saidpur. The total length of the road is 191 miles and Mr. King says, "From the through communication point of view, the road forms the northern section of the second long line of communication which will traverse the greater part of the length of the province from south to north, the first of these lines of communication being provided by Trunk Roads Nos. 2 and 25." Here I may say that the number as it is laid down in this book (Mr. King's report) is not generally followed. Importance is given first in connection with roads Nos. 2 and 25. Then the report goes on, "The southern section of this highway (Chuknagar to Kushtia) forms Trunk Road No. 15 of this list." So the Special Officer has recommended certain roads giving preference over others. Then the report says, "The two sections will be separated by the river Padma which will remain unbridged so far as the present scheme is concerned." Regarding the Pabna section, the Special Officer says, "This section of the road must, therefore, be acknowledged as providing possibilities for road-rail competition." It will also form a part of the roads necessary for connecting the subdivisional headquarters at Sirajganj, Gaibandha and Nilphamari with their respective district headquarters. The section of the road in the Pabna district is far removed from the railway, and is not likely to be competitive with it." So, from the point of view of importance, I beg to submit that this road is not less important than others as the serial numbers given in this book will show. Sir, the Pabna part of this road is not very long. The road is named as Pabna-Beldangi Road. The first portion of the road from Pabna to Ataikula is 12 miles long and the second portion from Ataikula to Nandanpur is 7 miles long and the next portion from Nandanpur to Selandaha is 5 miles long. My proposal is, as I said before, that Government be pleased to take up the road from Pabna to Selandaha and then from Selandaha to Ullapara. This will connect the Ullapara railway station with the whole length and breadth of the district. The approximate cost of the section of the road from Ataikula to Nandanpur, if placed in A class, would be Rs. 3,75,000 and if placed in B class Rs. 2,50,000; from Nandanpur to Selandaha it would be Rs. 5,50,000 under class A and Rs. 4,75,000 under class B; and from Pabna to Ataikula the cost is much less though the distance

is equal to these two sections. These two sections, that is, from Ataikula to Nandanpur and from Nandanpur to Selandaha, cover 12 miles and the distance from Pabna to Ataikula is also 12 miles, but the cost would be only Rs. 3,50,000 under class A and Rs. 1,50,000 under class B. I would recommend that the road be first taken from Ataikula to Nandanpur and then from Nandanpur to Selandaha and then from Selandaha to Ullapara. At present the district board has already got a *pucca* road constructed from Pabna to Ataikula covering 12 miles and so no earthwork will be required for this portion as it is already completed. People are feeling no difficulty for their journey along these 12 miles. Therefore, if the section from Ataikula to Nandanpur and from Nandanpur to Selandaha covering 12 miles is first completed and then the section from Selandaha to Ullapara taken up, the grievances of the whole district will be removed and in this way will help not only the people of Pabna but also the people of other adjoining districts in respect of communication and trade and commerce. Thus this road has got special importance. At first sight it may appear that it is a local work of Pabna. But I would submit to my honourable friends that people of other districts also go to Pabna for commerce and trade purposes. Government may also say that Pabna district is more fortunate than other districts in first getting money from the Road Fund for the construction of the Pabna-Ishurdi Road. But I would like to point out that Government have forgotten the fact that this district is not fortunate—I would rather say, it is unfortunate—in getting no communication either by railway or steamer service. It is known, Sir, that the district of Pabna is practically an agriculturist district, specially Sirajganj subdivision and the east part of Pabna. Of course, in the headquarters of the district there are some home industries, but the people in villages depend mainly on agriculture. Leaving aside paddy and other crops, there are two money crops, namely, jute and sugarcane. When the price of jute fell and Government were making propaganda to restrict the jute cultivation, people took to the cultivation of sugarcane, but this has become another death-trap. There was a proposal for the construction of a sugar-mill near Ataikula—a distance of 12 miles from Pabna—but the proposal is still in the air owing to difficulties in respect of communication. People cannot in any way convey their sugarcane to the proposed mill at Ataikula unless communication is improved. Regarding the river and boat communications, it is dangerous to undertake any boat journey by the rivers Padma and Jumna during the rainy season, and in the dry season the people do not require boat journey. The river Ichhamati starts from Pabna issuing from the river Ganges and, running through the whole district to the east, forms a course of about 40 miles or more. This river is gradually dying and representations having been made to the Government since the time of Sir John Woodburn when he was Lieutenant-Governor of Bengal, for the resuscitation of this river, but Government have paid no heed to it.

Then, Sir, regarding railway communication, there was a proposal during the régimé of the previous Government and several schemes were submitted before the Government, and there was a talk of a light railway too from Sarah to Sadhuganj to the east of Pabna. But as Government was ready to take up the scheme at the time, the idea of a light railway was given up. In the meantime, the Great European War broke out and the idea of any railway was dropped for ever. It was during the régimé of the present Government that the Hon'ble Minister-in-charge and the then Finance Minister visited the town of Pabna to make a survey if the opening of a railway line would be possible, and in a public meeting the Hon'ble Ministers gave us words of consolation though not of assurance that something would be done, but subsequently we came to learn through some questions that the contemplated railway line would be unremunerative. I cannot quite follow how a railway could be unremunerative in a place where there is such a need for better communication facilities.

Now, Sir, before I conclude I would like to quote a few lines from what the Hon'ble the Finance Minister said at the time of presenting the Budget for 1939-40. He said: "The rapid development of communications is also essential to the welfare of the province. In the absence of good roads, it is not possible to provide adequate facilities for the transport of agricultural produce to important centres of trade. A comprehensive programme of road development has now been prepared by Mr. King, the Special Officer, appointed for the purpose, and it is estimated that the execution of the programme will involve an outlay of 39 crores."

Sir, in this connection, I may point out that the agriculturists and inhabitants of the district are suffering for want of communications, especially to the headquarters town, and as there is no possibility of a railway or of the resuscitation of the dying rivers, Government ought to be prepared to take up the construction of the road from Pabna, I mean, Road No. 26, which, starting from Pabna runs through Atiakula, Nandanpur, Selandaha, and reaches Ullapara and then other places.

(At this stage Mr. Sarat Chandra Bose took the Chair.)

**Mr. SYED JALALUDDIN HASHEMY:** Mr. Chairman, Sir, I rise to oppose this resolution and that for two reasons. I rise to oppose the resolution not because I have any quarrel with the people of Pabna, but because it involves a very important question of principle. I do not oppose the resolution in its entirety, but I oppose it for certain clauses that have been incorporated in it, namely, that in preference to other roads it should be taken up first. I would not have opposed the resolution if he had not said "in preference to other roads." Let me assume that the honourable the mover of this resolution got the consent of the party to which he belongs. Naturally, Sir, it leads me to believe that

he has not the consent of the Hon'ble Minister in charge of Communications. I know, Sir, it is not a House where ethics should be discussed; but if we could do so, we would have shown that the honourable mover of this resolution had no moral justification to move such a resolution that in preference to other roads of Bengal a particular road in the district in which he lives should be first taken up. Does he care to know about the urgency and the necessity of the other roads in the province? Does he know about the urgency of the Nabharan-Satkhira Road in the district of Khulna? For the last four years the Hon'ble Minister has been reminded times without number by questions and by resolutions about this important road. Money was there; money is still there; he got the requisite money from the Government of India, but he could not spend it. This road has a total length of 30 miles and only a fraction of it, namely, 13 miles, has been constructed in four long years. Therefore, I ask, has the honourable mover got any justification to say that his road should be taken first in preference to this Satkhira-Nabharan Road? Sir, I am a bit serious, because this shows the mentality of the party to which the honourable member belongs. If you will permit me, Sir, I must say this is the sort of favouritism, nepotism and jobbery which are rampant in the party to which my friend belongs. I ask, how can Government accept a resolution of this nature? If this resolution is accepted by the Hon'ble Minister, I must very painfully say that he has no planned schemes, but that he undertakes his work haphazardly and half-heartedly.

Sir, we thought at the beginning that the party had not given its consent to this resolution, but from the attitude of the party we can now understand that they are now going to support it. Sir, I again ask this House, however, to oppose this resolution on the ground of principle, because if this sort of favouritism and nepotism are given preference, there will be no end of it. Sir, this party has already taken much advantage at the cost of other members' interests. Time has now come to put a stop to this sort of favouritism and nepotism on the part of Government. (Cries of "No, no" from the Coalition Party Benches.) I submit, Sir, that it is not in the interest of the members of this party. If you accept a resolution like this, I must say that you do not follow any principle. You merely give preference to things which do not deserve any consideration at all.

Then, Sir, I would ask members of the Coalition Party and particularly the Hon'ble Minister in charge of Communications and Works to keep this resolution in abeyance and to appoint a committee consisting of the leaders of different parties in this House, which will bring up schemes that are in operation now and see which road is very urgent and which road is very necessary and to start work in accordance with priority and the urgency and necessity of each road.

With these few words, Sir, I oppose the resolution as a matter of principle.

**Mr. ABDULLA-AL MAHMOOD:** Mr. Chairman, in rising to support the resolution moved so ably by my honourable friend Mr. Azhar Ali, I would like to say a few words by way of reply to what Mr. Hashemy has just now said in the House. Sir, he has said that the party to which Mr. Azhar Ali belongs is always selfish, but I would ask the honourable members through you, Sir, to judge whether Mr. Hashemy is not more selfish when he says that the Khulna-Bagerhat Road is more important and that the Satkhira Road should be taken up first in preference to other roads. After saying this, I would leave the matter to honourable members of the House to judge whether it would not have been magnanimous on his part to point out some of the roads in the constituencies of some members and ask them to be taken up by Government first and then he could have pointed out to Government that the road in his constituency is equally important and should also be taken up by Government. So, Sir, it is easy to the members to understand his selfishness for his move in this direction.

Now, Sir, what my honourable friend Mr. Azhar Ali has placed before this House is this. Every member of this House is fully aware that Serajganj in the district of Pabna is mainly a jute-growing subdivision. It will be admitted, Sir, that jute cannot be sold by carrying to *hâts* and *bazars* in bundles of seers and maunds. Lakhs and lakhs of maunds of jute are grown throughout the whole district. Over and above this, Sir, a peculiar circumstances has arisen on account of the release of two-thirds of land on account of restriction of jute. Now, Sir, as a result of this, the agriculturists of the district of Pabna have taken recourse to the cultivation of sugarcane. I ask the Hon'ble Minister through you, Sir, how these agriculturists will be able to convey their jute or sugarcane which will be grown throughout the district. You know very well, Sir, that the district of Pabna on one side is surrounded by the river Padma and on the other side by the mighty river Jamuna. Everybody knows that the entire district was full of rivers and small rivulets, but what is the position now? Since the last ten years, on account of the erosion of the mighty rivers Padma and Jamuna, all these tributaries, rivers and rivulets have been silted up as a result of which for three months in the year generally these agriculturists who used to convey their jute by boats have to stop it on account of the deposit of silt on these small rivers and streamlets. I ask my friend through you, Sir, is it justifiable on the part of my honourable friend Mr. Azhar Ali to place before this House the need of a particular district which I submit through you, Sir, is not in fact the need of a particular district, but really of the whole province, because merchants and traders from other districts flock round there for making trade in jute and sugarcane? Naturally, Sir, the question of communication will have to be solved. May I ask what up till now this Government have done to solve this

most intricate and important question of the road problem? Sir, Government has tried to excuse itself by saying that as the Road Development Fund has already spent some money for the construction of a part of the road from Ishurdi to Pabna and so Pabna cannot legally claim any additional money for the construction of the Grand Trunk Road. May I ask the Hon'ble Minister what is the criterion for him to take up other particular roads? As my honourable friend has already pointed out that construction of roads is taken up without having regard to the serial number, the importance of the roads or according to the numerical number, may I ask the Hon'ble Minister in charge of Communications what was the necessity for ignoring Road No. 26 and taking up Road No. 32?

Now, in this connection, Sir, as regards the needs of other districts, may I ask the Hon'ble Minister through you, Sir, what was the most important factor that compelled Government to take up all the roads in the Presidency and Burdwan Division, ignoring the claims of all the roads of the Rajshahi Divisions? The district of Pabna supplies almost one-fifth of the entire output of jute in Bengal. Is it not a fact that the European merchants who have settled there for years together are carrying on business of jute flourishingly? Have Government considered for a moment the desirability of giving facilities to the traders of all sections and communities coming from the different parts of India? Have they considered the conveniences of the agriculturists who by the construction of roads might get every facility to take their jute from the nook and corner of the villages to the centre—Serajganj and Pabna? Have they considered the point that the facilities of communication will give them better prices and other facilities as, for example, giving medical help and other help with regard to their daily requirements of life. I am asking the honourable members of this House through you, Sir, whether the Hon'ble Minister in charge of Communications has also taken into consideration the serious disaster that might befall very soon on account of the release of two-thirds of the land in which only sugarcane will be cultivated and no other crop will be cultivated. But what will the agriculturists do with sugarcane? Will they eat it? Is it an eatable thing that they can consume it? Have Government any responsibility to convey sugarcane from one part of the subdivision to other parts, or have they given any facilities to carry the sugarcane from the nook and corner of the villages to the mills, and have Government contemplated the desirability of establishing any sugar mill there so that the agriculturists of the district might easily carry their sugarcane there for crushing purposes? Now I think Government, especially the Department of Communications, is not taking any interest in the matter. They are not looking at the thing with a clear vision and they are only thinking of the matter from the point of view that as some portion of money from the Road Development Fund has

already been spent for the purpose of making roads in this district, so no more money can be spent for the purpose of constructing roads in this district. Through you, Sir, may I ask the Hon'ble Minister just to reply whether he has ever thought about the matter and whether he has ever consulted the Minister of Agriculture on the point that the people of this district are clamouring for a long time for the establishment of sugarcane mills there? I think that if the Government do not find a solution for this, there will be a crisis and there will be a disaster in that area. I would therefore request the Hon'ble Minister just to think and consider whether the Trunk Road, for the construction of which my honourable friend has moved this resolution, is absolutely necessary not for the convenience only, nay for the very existence of the people of the district? If the Government think that trade and commerce must grow, that trade and commerce must flourish and that the people of the district should not die, they must take necessary steps in the matter. As the members of this House very well know, the people of the district of Pabna mainly depend on jute and next on sugarcane. Are the Government going to solve the question of communication? What is that solution? Are they going to open up all the dead and dying rivers which have been silted up by the deposit of a huge quantity of sand thrown by the mighty and turbulent rivers Jamuna and Padma? This question concerns the Hon'ble Minister in charge of Works and Communications. Has he ever thought of this problem? If he has not, what is the other alternative before him? Is he going to seriously consider whether the project can be taken up by Government or not? It is a life-and-death problem for the people of the district of Pabna. I request the Hon'ble Minister through you, Sir, to give his serious consideration to this matter. It is not an ordinary matter in which he can rest content with putting forward an excuse before the House. Because some portion of the road development money has been spent on the Pabna-Ishurdi Road, has the district of Pabna got no other claim for some more money being spent over the construction of other roads? I ask him through you, Sir, what efforts the Government are making to solve the communication problem in the district of Pabna? Have the Government ever communicated with steamer companies, so that the latter might take steps to tackle the problem of opening up the *chars* and open up steamer service? If they have not, they have totally failed in their duty. Have the Government put themselves in communication with the railway authorities to find out whether the latter are willing to take up any project of a line from Pabna to Serajganj *via* Ataikula from Serajganj to Chandaikona and from there to Bogra? If they have not done so, they have neglected their duty and criminally neglected their duty. Have the Government ever thought of opening up these dead and dying rivers themselves? If they have not, they are equally guilty. I do not want to detain the

House by making an elaborate speech. I only ask the Hon'ble Minister through you, Sir, to reply direct to the questions which I have just now put to him.

(At this stage the House was adjourned for fifteen minutes.)

*(After adjournment.)*

**Babu MADHUSUDAN SARKAR:** Sir, I rise to support the resolution moved by my honourable friend Maulvi Azhar Ali. The other day the Hon'ble Minister in charge of the department, in reply to a question put by my friend Maulvi Azhar Ali on the floor of this House, said that not a single farthing would be spent for the district of Pabna; and the ground assigned was that Government had already spent some money for the district. From the financial point of view the ground assigned by the Hon'ble Minister might be reasonable, but on that account it is not at all desirable that the urgency of improvements and requirements of the district should not be taken into consideration. If we consider the condition of the district of Pabna, we feel that the district is wholly in need of the improvement of roads. Sir, in this district there are no suitable and all-time available communications to the different parts of the district. During a part of the dry season, that is, from January to the middle of April of the year, some conveyances such as bus or cars are available for communications from some parts of the district. But during the rainy season the east side of the district is totally detached from the headquarters, and if anybody desires to go from the east to the headquarters, then he has to go *viâ* Faridpur and Nadia districts to Ishwardi and then to Pabna by motor. Sir, the district is really in need of such a road as was named by my friend Mr. Azhar Ali, and I hope that in consideration of the requirements and the urgency of the matter, the Hon'ble Minister in charge will consider the case of Pabna.

With these few words, Sir, I support the motion.

**Khan Bahadur JALALUDDIN AHMAD:** Mr. Speaker, Sir, I had no desire to take part in this debate, but I feel called upon to speak a word on this resolution to reply to some of the points raised by Mr. Syed Jalaluddin Hashemy. At the outset I admit the force of Mr. Jalaluddin Hashemy's contention that on principle a resolution like this, that a particular road should be given preference to all other roads in the province without knowing the importance of the other roads, should not be brought before the House. But due to circumstances which I am now going to explain Mr. Azhar Ali is perfectly justified in tabling this resolution. Sir, I do not know what will be the fate of this resolution, but it is certainly the attitude of the Road Development Committee and of the Hon'ble Minister in

charge which is responsible for the tabling of a resolution of this sort. I was myself a member of the Provincial Road Committee, and I know how the committee always muddled the whole question of priority of interests and also of importance. Sir, the committee gave class I to those roads which have got inter-provincial importance, and then came inter-district roads and then other roads of minor importance. I know how the Road Committee worked, and also how the Minister in charge of this Road Development Committee was guided in shaping his policy. There are two or three inter-provincial roads of which the Arrakan Trunk Road is one. The importance of this road has been further increased now when the war is near at our door. This project was taken up in 1930 as a number-one scheme after a tough fight. At that time the Pabna-Ishwardi Road or the Ghosepara Road did not come in for consideration. But before any money was allotted to this project, other minor projects were pushed up, and money was spent on them, but no money was provided for this important inter-provincial road. Thereafter, however, a sum of Rs. 5 lakhs, to be spent one lakh annually, was provided for the construction or strengthening of the bridges on this road. I may inform the House that I myself requested the Public Works Department to take up this road, but the then Chief Engineer, and Mr. King, the road expert of Government, observed that this is a road which should be constructed by the district board concerned. But later on when the district board drew up a scheme, Government raised unnecessary objections, saying that the specifications were not correct, although after discussion they admitted that the specifications given by the district board were right and accepted them. But then they took up the road work later on overriding the district board and kept it pending from 1934-38, doing nothing. Again, a reference was made by the local authorities and then it was made over to the district board. The district board spent Rs. 5,00,000, but there is no money now. A requisition has been made to the Eastern Circle for the allotment of further grants, but it has been said that the matter is still hanging fire, and that there is a representation to the Government of India for further grants. Sir, in priority of importance this road came first, but it has been served last of all. Rs. 5 lakhs only was given, and now it is said that there is no money because Government are not getting money from the Government of India. Sir, it was the fault of this Government that they could not spend large sums of money given to them by the Government of India on these inter-provincial roads but allowed them to lapse in the Budget. If, therefore, Mr. Azhar Ali brings in a resolution of this type, it is due to that inactivity of the department and their failure to discharge its obligation in right earnest, and to consider the degree and priority of interest and importance of these roads. Mr. Ashar Ali has done nothing wrong in bringing forward a resolution of this type, although it is only to further the interests of

his own district. Mr. Hashemy was of course right in opposing it on principle, but it has been made possible to bring forward a resolution of this type because of the way in which the Bengal Road Development Committee has been functioning and also the way in which the Provincial Government and the Minister in charge has been acting. I have cited the example of the Arracan Trunk Road for which only Rs. 5,00,000 has been spent for the purpose of strengthening the bridges, and now no further money is available. Government now say that they will provide money from the proceeds of the sales tax. Whatever Government may now say, the department was so long to blame for their negligence. With these words, Sir, I request the ministry to give their best consideration to the question of priority of interest and importance of these roads, and also to move the Government of India for further allotments of funds for this purpose to the Arracan Trunk Road.

**The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar:** Sir, I have every sympathy with the object which led my friend to move this resolution. I admit that this is No. 1 road for Pabna district as recommended by our Special Officer, and this is a road of inter-district importance. The reason for which it has not been possible for Government to take it up is that we had taken up works in other districts and from the funds at our disposal it was not possible to provide funds for this important road along with other important roads in other districts.

Sir, I may at the outset again put before the House the procedure which is followed in taking up roads from the Road Fund. Sir, you may be aware that the control of the Road Fund is left with the Government of India and so every road scheme has to get their sanction before it can be taken up. There is our provincial Board of Communications where all road schemes are placed in the first instance for their consideration. That Board select roads according to their importance and then recommends schemes to us. We have to send them to the Government of India for their approval. The procedure, Sir, certainly causes certain amount of delay. I can assure the House that in the selection of roads, as I had occasion to state before the House, we are following a considered policy. Our first and foremost concern is to see that when roads are selected, they might help the agriculturists to bring their produce to the market place. Secondly, we take into consideration existing roads and if improvement or extension of those may help in increasing the motor traffic. Consumption of more petrol will help us to increase our share of the Petrol Fund. The figures of the last few years will show that with the increased consumption of petrol in this province we are getting an increased share from the Petrol Fund. The amount has jumped up within a very short space of time. Thirdly, Sir, we are trying to develop trunk roads, not as a whole, but by sections

according to their importance in their locality. These will, according to our scheme, ultimately develop into full-fledged Provincial Trunk Roads.

Sir, it has been said that we have not been able to spend the money at our disposal and that some amount has lapsed on that account. Sir, if I give figures from the year we assumed charge, you will see that save and except the first year of certified budget, we have never failed to spend less than 20 lakhs of rupees. As a matter of fact, the figure to-day comes near about 30 lakhs of rupees. That is certainly not a small amount which proves that we have failed to spend sufficiently. The schemes which we have already taken in hand will require over a crore of rupees to be completed. It is an irony of fate that our provincial finances do not permit of further extension in this direction and this 30 lakhs which we could have for road development was on account of the accumulated amount during the previous Government. Roughly, Sir, we get from 16 to 18 lakhs from the Central Government and the balance is made up from the accumulated amount to make up the 30 lakhs or thereabout. Sir, by the end of 1942 we expect to exhaust this accumulated amount and then we shall be left with only 16 or 18 lakhs of rupees to go on with, and we require about a crore of rupees to complete the scheme we have already taken in hand.

Sir, for the schemes which we have sent to the Government of India for their approval, the total will come to about a crore and a half. The Government of India have unfortunately refused to consider any new proposal until further progress is made in the scheme which we have already taken up. We are getting our annual subvention all right. There was no case of lapsing of any amount and there was no occasion for it. (Mr. SURENDRA NATH BISWAS: But when are you going to spend the amount? That is the question.) We are going on spending every year. (Mr. ATUL KRISHNA GHOSE: Has any amount lapsed?) Are you deaf? I have just now said about that.

Sir, there is no denying the fact that we in this province became road-minded very late. While Madras and Bombay had made good progress towards road construction, we were lagging behind. (Mr. ATUL KRISHNA GHOSE: Because of Ministers like you.) That was long before we took charge. Sir, it is with the money which we got from the Road Development Fund that we started road construction in right earnest and so far we have completed road construction worth about 63 lakhs of rupees. (Mr. SURENDRA NATH BISWAS: Why not more?) Sir, after what I have stated, it will be clear that this Government has been able to spend all the money that it had at its disposal and was able to complete road construction to the best of its ability. I admit that there was a certain amount of delay in completing certain roads that was due firstly to the delay in obtaining the sanction of the Government of India and secondly, in our taking up a large number of schemes at

one time. Sir, I ask you to mark that we have 26 districts, and we are getting only 16 or 18 lakhs a year to spend on roads. If we have to apply the amount to all the districts, how much could a district get, and with that amount what progress can we expect to make? Sir, I wish it was possible to get more funds for road construction, so that according to the desire of every one of us here, we could see a network of roads constructed in the province within the shortest space of time.

**Mr. SURENDRA NATH BISWAS:** In 150 years?

**Maulvi ABU HOSSAIN SARKAR:** Or say 2,000 years?

**Mr. SASANKA SEKHAR SANYAL:** আপনার নিজের District এ কিছু করেন না কেন ?

**The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar:** That shows I am impartial.

Sir, with a view to supplement the Road Fund, and to accelarate construction of roads, it was necessary to have the Motor Spirit Sales Tax. We expect roughly about Rs. 12 to 14 lakhs from that tax. If we add this to the money which we get annually from the Road Fund, we will have about Rs. 30 lakhs, and I believe that we will be able to continue road construction to the extent of that amount every year. Sir, due to the desire of a very large number of members of this House, as has already been announced by the Hon'ble Finance Minister, while the Motor Spirit Sales Tax was being considered, it has been decided that a major portion of the money which will be derived from that tax——

**Rai HARENDRA NATH CHAUDHURI:** The entire amount.

**The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar:** No I am quite sure, a major portion of that money will be utilised in the construction of new roads in districts where no money has been spent so far.

**Mr. SASANKA SEKHAR SANYAL:** Only on new roads?

**The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar:** Yes, and the balance will be utilised in supplementing the Road Fund.

**Rai HARENDRA NATH CHAUDHURI:** This money is only for the construction of new roads.

**The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar:** We have two objects in view. One is construction of new roads in districts where no work has been taken up and the other is to continue the road work taken in hand in other districts.

**Mr. ATUL KRISHNA GHOSE:** What would be the proportion between the two?

**Mr. SURENDRA NATH BISWAS:** Are you seriously taking up the time of the House?

**Khan Bahadur JALALUDDIN AHMAD:** May I enquire what would be the amount for old sanctioned roads?

**The Hon'ble Baharaja SRISCHANDRA NANDY, of Cossimbazar:** I may state before the House that we have not violated the principle we have been following in selecting No. I roads. That is the principle which we propose to follow even when we take up roads from the Motor Spirit Sales Tax money. It goes without saying that every case will have to be recommended by the Board of Communications.

Sir, it has been said that the district of Pabna is in great need of better communication facilities for agriculturists to carry their produce to the mill or market places. I do not deny that. Unfortunately that is the case with very many other districts in this wretched province of ours.

I have to reply to Mr. Hashemy who has specially mentioned about the Satkhira-Nabharan Road and the delay that has occurred in connection therewith. But I may tell him that the first portion is almost complete and the second is awaiting the sanction of the Government of India and we are absolutely helpless.

As regards the Chittagong Road referred to by Khan Bahadur Jalaluddin Ahmad, there also bridges are completed, but the money for the construction of the road has again been withheld by the Government of India. Sir, these are the reasons why it is not possible for this Government to accept the resolution. Even if it was accepted, it would remain a dead letter, because without the sanction and approval of the Government of India, it would not be possible to give effect to the resolution.

**Mr. SURENDRA NATH BISWAS:** Could you not construct this road out of the provincial revenues?

**Khan Bahadur JALALUDDIN AHMAD:** Move the Government of India for their sanction.

**The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar:** No, Sir, that may not be possible because it is not a new scheme.

Sir, after what I have said, I think I can now reasonably request my friend Maulvi Azhar Ali to be good enough to withdraw his resolution.

**Maulvi AZHAR ALI:** Sir, if Government have got no other alternative than to get the sanction of the Government of India, I beg leave of the House to withdraw my resolution.

The resolution of Maulvi Azhar Ali that this Assembly is of opinion that the Government do take up the work of construction of Trunk Road No. 26 from Pabna in preference to other roads was then, by leave of the House, withdrawn.

**Mr. SPEAKER:** Both Mr. Rasik Lal Biswas and Mr. Mia Abdul Hafiz are absent. I am glad that the resolution (No. 2-3) is not moved, because I consider that a resolution like this is inconsistent with a democratic constitution.

**Mr. SASANKA SEKHAR SANYAL:** Sir, will you please allow Mr. Atul Chandra Sen to move the resolution (No. 4) standing in the name of Mr. Pratul Chandra Ganguly?

**Mr. SPEAKER:** Is Mr. Pratul Chandra Ganguly in jail?

**Mr. SASANKA SEKHAR SANYAL:** Yes, Sir.

**Mr. SPEAKER:** As a special case, I allow it.

**Mr. ATUL CHANDRA SEN:** Sir, I beg to move that this Assembly is of opinion that all the persons convicted in Bengal under the Defence of India Rules and the Indian Penal Code for offences against the State be placed in Division I in jails.

I thank you, Sir, for having allowed me to move this resolution that stands in the name of my honourable friend Mr. Pratul Chandra Ganguly who is now in jail. It is an irony of fate that Mr. Ganguly who with his experience of jail life in and outside the province extending over a good many years of his life as a Revolutionary political prisoner might throw helpful light on the subject which no one else in the House may do is clapped in jail under a lawless law deprived of his right to represent his constituency in this House and voice the people's will in an unmistakable way. This popular Government in their wisdom have not seen their way to allow Mr. Ganguly to be here to-day in our midst and exercise the legislator's right by moving his resolution. In Mr. Ganguly's absence I shall place it before the House with my observations in its support in my own humble way.

Now, Sir, what is the opinion expressed in this resolution? It seeks to convey that all political prisoners should be placed in one division, viz., Division I. It implies the existence and recognition of a special class of prisoners who have been convicted of political offences and therefore may be called political prisoners and recommends that they should be accorded a treatment in jails befitting their position in society as political prisoners. Sir, I can quite anticipate the Government's attitude towards this question. I have ransacked the Assembly proceedings of the last four years and have found that whenever any suggestion has been made from this side of the House for according a preferential treatment to political prisoners as a matter of right it has met with a stout resistance from the Hon'ble the Home Member, although he has yielded here and there in minor matters under pressure of public opinion exercised here and outside and also perhaps impelled by that small still voice which though stifled by political exigencies cannot altogether be silenced.

The Hon'ble the Home Member has all along refused to recognise a special class of prisoners called the "political prisoners" and as a corollary he has maintained that the question of special treatment to these prisoners as a class does not arise. Whenever minor concessions have been made here and there, he has taken particular care to point out that he has done it from far other considerations than consideration due to their status as political prisoners. Do you know, Sir, a Hindu wife never mentions her husband's elder brother's name? And the Hon'ble the Home Member never mentions the name "political prisoners." I would just refer you to the funny answer which the Hon'ble the Home Member gave to our honourable friend Mrs. Nellie Sen Gupta's question last year about the diet allowance given to some political prisoners in the Chittagong Jail and to the supplementaries arising out of it. That will give a picture of the Hon'ble the Home Member's mind. That however does not satisfy us. We maintain, and we believe rightly so, that people convicted of what are called offences against the State form a class by themselves, whom we call political prisoners, and are as such entitled to a preferential treatment in jails.

Sir, let us see whether the English law which generally is the model on which our laws are based can throw any light on the subject. Turning to the Prison Acts of 1865 and 1867, which in a way form the very foundation of modern prison system in Great Britain, we find that "persons convicted of sedition or seditious libel were to be placed in the First Division" (Ruggles Brise, p. 71). The Rules of the First Division in English jails "provide a regime which amounts to no more than deprivation of liberty, with such restraint only as is necessary for discipline and safe custody." I quote from "The Modern English Prison" by L. W. Fox, Assistant Commissioner and Inspector of

Prisons and Secretary of the Prison Commission. "The First Division, it should be noted, is reserved for a strictly limited class of prisoners, and mainly for those for whom First Division treatment is prescribed by statute, *e.g.*, persons convicted of seditious libel." To quote exactly from "Notes on Imprisonment, 1928" (p. 5), a short pamphlet issued under the authority of the Home Officer giving concise information about the different forms of classifications, etc., in jails in Great Britain.

Sir, next I shall read out to you what the law expects the English practice to be in reference to political offences and offenders, a quotation from the Encyclopædia of the Laws of England, Part II, p. 208. It says:—

"Where an offence has been committed, not from motives of private spite or interest, but in order to change the Legislature or Executive Government in the country, it is freely contended that the offence is political and that persons convicted of it should not be treated as ordinary prisoners and should be pardoned or amnestied at the earliest opportunity. The offences to which this contention applies are those described as against public order, viz., treason, felony and sedition or interference with the Executive or Legislature by unlawful assemblies intended to defy or overawe either, riotous protets against the law and, in fact, all acts directed to obtain by unlawful means a change in the law or general government of the realm."

Sir, this is the spirit of the English law on the subject, and it has governed the conduct of the executive and prison authorities in Great Britain since the enactments of 1865 and 1867. In India also some eminent Englishmen, members of the Government of India, who could not perhaps altogether forget their English tradition and also perhaps under pressure of public opinion and therefore in spite of themselves had to admit that political prisoners deserved a preferential treatment. Answering a question of Mr. C. S. Ranga Iyer in the Indian Legislative Assembly on the 26th January, 1926, with regard to treatment of political prisoners in Bengal, the Hon'ble Sir Alexander Muddiman, the Home Member, said, "The Government do give them a preferential treatment." Whether this so-called preferential treatment is a reality or a myth, the admission is there that political prisoners form a class by themselves and may rightly claim a preferential treatment. I might also in this connection refer to what the Hon'ble Home Member, Sir William Vincent, said in the Indian Legislative Assembly, speaking on the question of the repatriation of the political prisoners from the Andamans. By the statement that he made on the occasion, he conceded beyond doubt that a special treatment should be accorded to political prisoners. The British conscience represented in the Government of India seemed to be roused once again by the self-immolation of Srijut Jatindra Nath Das who

died a martyr's death in a jail in the Punjab by refusing to take food as a protest against the kind of treatment accorded to political prisoners. For a time it seemed that earnest efforts would be made to improve the lot of the political prisoners in the land, but the scheme that was made for the purpose fizzled out before long. But the admission had to be made that something ought to be done in the direction.

Now, Sir, what is the idea underlying the distinction between ordinary and political prisoners that entitles the latter to a preferential treatment? It is this. There is a class of crimes unlike the ordinary, as we have seen from the quotation from the Encyclopædia of English Laws I have just read out, which cannot be attributed to "motives of self-interest or spite," but to higher and really commendable motives and which for the very reason cannot be put under the category of ordinary crimes. If a crime is an anti-social act which society must penalise in order to maintain an undisturbed existence, how will a society, a progressive society, I ask, deal with the so-called crimes that are directed towards the breaking of the shackles of the society so that it may go on unimpeded along the path of progress? That is the question. If we claim a preferential treatment for the political prisoners in the province, we do it on the ground that these people acted in the way they did so that the country might attain the status which as a matter of right ought to be hers. If a Pratul Ganguly, a Jnan Majumdar, a Naren Chakravarty, a Dhiren Datta, a Dr. Nalinakshya Sanyal, a Dr. Suresh Banerji, a Bankim Mukerji, to name only some of our respected colleagues now in jail, broke the law in the past or have broken it to-day, they have done it, to judge their action by the result, so that the country might attain some measure of freedom, and should I say also, so that a Fazlul Huq, a Nazimuddin, a Suhrawardy, a Bijoy Prasad, a Mukunda Mullick might rule Bengal in the name of the people. The latter of course is not true, though it has happened so.

This aspect of the question has got to be remembered in dealing with the political prisoners. If this is remembered, the Government will be conscious of an obligation to deal with the political prisoners with due and special consideration. I know that in some quarters in India attempts have been made and are made even to-day to repudiate this obligation by making a so-called distinction between what are called "municipal" and "international" laws as was done by the Hon'ble Sir Alexander Muddiman more than twenty years ago in the Indian Legislative Assembly or as has been done only the other day by the Hon'ble Sir Reginald Maxwell in the same House speaking on Mr. N. M. Joshi's resolution on treatment meted out to D.I.R. detenus. Sir Reginald is prepared, as he says, to "give preference," to quote his words, "to enemy internees who have nothing against them except that they owe allegiance to enemy

countries, rather than to persons who had of their own deprived themselves of their liberty for plotting against their own country and those who are fighting for it." If Sir Reginald were to talk on the treatment meted out to political prisoners convicted of so-called offences against the State he would in all probability, following the same line of argument, say that he would give preference to prisoners of war rather than to the political prisoners in the country. Sir, I am not here to reply to Sir Reginald's thoughtless, foolish provocative and dishonest remarks——

**Mr. SPEAKER:** Order, order. You cannot use those expressions against one who is not here to defend himself. You must withdraw.

**Mr. ATUL CHANDRA SEN:** All right, Sir, I bow down to your ruling, though Sir Reginald made more damaging remarks against people who could not defend themselves.

But to the people of his way of think I would say that political detenus and political prisoners in India may with propriety be regarded as "enemy internees" or "prisoners of war." The laws they break or are alleged to break are not the laws that express the will of the people. The State against which they are alleged to plot is not the State that recognises the sovereignity of the will of the people. The Government that they may seek to overthrow is not the Government established by law as understood in free countries. Their action is directed against an unwanted foreign domination which as honourable men and women they may feel called upon to overthrow by all means which a free country would adopt against an invader, which Englishmen, *e.g.*, would adopt with perfect justification against Hitler if he were to subjugate Great Britain. Their status, therefore, is in a way the same as that of "enemy internees" or "prisoners of war" which Sir Reginald vainly seeks to repudiate.

Now, Sir, having given this theoretical background to this question, I would ask, are the political prisoners in the province accorded the kind of treatment that their status as political prisoners entitles them to? Our answer is an emphatic "No." You know, Sir, that many of our political prisoners even to-day are put under Division III of the Jail Code. But do you know what this really means? I was a prisoner myself for a pretty long time with the Hon'ble Mr. Tamizuddin Khan—then not Hon'ble—as a fellow-prisoner and to-day I am a non-official visitor of a Central Jail, thanks to the good offices of the Hon'ble Sir Nazimuddin. I can relate to you the lot of these prisoners with some accuracy. Food—in the morning "*lapshi*," a delicious dish of rice gruel mixed with a little salt; at noon—rice, most often mixed with pebbles of various dimensions; the liquid called "*dal*" and a "vegetable curry." I would not give other details of the menu. My

honourable friend Mr. Charu Chandra Roy gave a realistic description the other day on the floor of the House. But I can't do without saying a word about this vegetable curry. I won't forget it in my life. I won't give it to my cow. In our prison days we called it "*dasyadi pachan*," an offensive smelling Ayurvedic decoction which a patient swallows with what pleasure he alone knows. I wonder that this stuff made of eatable and uneatable, nameable and unnameable leaves, roots and branches, mostly the refuse stock of the jail garden, boiled in a veritable witches' cauldron with little or no oil and spices—I wonder that this stuff can be served for human consumption!

Sir, our young men who suffer imprisonment for political ideals and ends, however poor some of them may be, are not used to the jail menu I have just now described. I shall not take more time of the House by describing the kind of clothing, the meagre poor unhygenic stuff, supplied to these people or the thousand and one indignities they are subjected to in the hands of an unsympathetic jail staff. How long will the country allow the people who work for her political emancipation to be condemned to Division III prisoner's life? Sir, my blood boiled within myself when in course of my inspection one day I found one Babu Probodh Chandra Das Gupta, a brilliant young man, an M.A. of the Calcutta University, brother of an England-returned Engineer, cousin of an ex-Advocate-General of Bengal, who chose to go to jail for a political idea, put under Division III. The trying Magistrate was his class mate in the M.A. Classes. One chose to serve the Government and became a Magistrate and the other chose to serve the country and became his prisoner whom he condemned to Division III. This cannot be tolerated even for a moment. It must be ended.

I, therefore, propose that all political prisoners be put under a higher division than Division III. I propose Division I and not Division II. The facilities which Division I prisoners enjoy, not enjoyed by the Division II prisoners, are mainly as follows: (*a*) bringing from outside cooked food according to their choice, (*b*) wearing of their own cloth if desired, (*c*) having more interviews and letters, and (*d*) having newspapers of their own choice. In support of these privileges of political prisoners I can do no better than quote from the Hon'ble Sir Nazimuddin's speech in 1938 Budget Session of the Assembly on classification of prisoners. He said: "Life in prison is however an unnatural life. It is a life of restriction, particularly in so far as mental activity, social inter-course and physical movement is concerned. From this it follows that prison life may affect the more refined and sensitive character far more heavily than the dull or brutal type." It is for these very reasons which the Hon'ble Sir Nazimuddin admits in theory that I propose Division I facilities for political prisoners instead of Division II.

Sir, let me say a few words about what the Hon'ble Sir Nazimuddin calls the "more refined and sensitive character." Even if he insists on this characteristic as the sole criterion for any preferential treatment in jails who among the prisoners as a class have this characteristic in an ample degree if not those whom we call political prisoners? Inheritors of a great thought and cultural legacy these people, some of them very deeply well read and versed in modern thought-currents, with great ideas and ideals pulsating through their mental life, who among the jail population equal them in "refined and sensitive character"? I have seen with amazement the great hunger for news, for ideas, the insatiable desire to know how the world is progressing, in some of these prisoners placed before whom any stalwart of the Treasury Benches would feel small if he really be honest. And yet they famish these people, mentally as well as physically. They ought to feel ashamed that while providing for amenities for any Tom, Dick, Harry or De'Souza, who may be in jail having committed the most heinous crime in the Penal Code, why, because they bear English names or have a skin a degree fairer than ours, they refuse the same amenities to the sensitive and refined Bengali who can live and fight for a great ideal. I consider it a crime done to humanity. You can make some amends for the sin of the past few years by accepting my resolution without any demur.

Sir, before I conclude I would say a few words about the costs of the proposed classification. The Hon'ble Sir Nazimuddin, who opposed the "Bengal Political Prisoners Classification Bill, 1939," introduced by our honourable friend Mr. J. C. Gupta in the December Session of the Assembly the same year, dismissed it with the following laconic remarks, "I am afraid," said Sir Nazimuddin, "it is not possible to make these classifications. It will entail a lot of expenditure and there are obvious difficulties in giving effect to the provisions of the Bill." Speaking on expenditure, Sir, may I ask the Hon'ble Home Minister, what becomes of the cash profit of more than Rs. 3 lakhs earned every year in the jails of Bengal? It is known that this large amount is not spent for the amelioration of the lot of the prisoners. We would be quite prepared to see that this amount is spent for amenities given to the jail population generally. We would be prepared even to see that this amount is spent mainly for those people in jails who earn it by their own labour. If due to the proposed classification there be any deficit, the society must meet it from other sources. The society must treat the political prisoners as *"Sannyasis"* and *"Fakirs"*—political *"Sannyasis"* and *"Fakirs"*—and must feed them because they are its political emancipators.

With these words, Sir, I commend my resolution for the acceptance of the House.

**Mr. SURENDRA NATH BISWAS:** Sir, I beg to move by way of amendment——

**Mr. SPEAKER:** Just a in one or two places the language is not very happy. Would you mind a little change? Your amendment will then take the following form:—

"This Assembly is of opinion that all prisoners in Bengal jails, whether detained or convicted under the Defence of India Rules or kept under trial or convicted for offences against the State under the Indian Penal Code be placed in Division I or a new special division be created for those prisoners, and that special rules be framed in respect of their ration, interviews, etc."

The only change is that in place of "a special division as first class prisoners" in your amendment I suggest "a new special division be created for these prisoners."

**Mr. SURENDRA NATH BISWAS:** Sir, you suggest "a new special division"——

**Mr. SASANKA SEKHAR SANYAL:** Sir, would you mind proposing an addition—"a new special superior division"?

**Mr. SPEAKER:** That I cannot, because it goes beyond the scope.

**Mr. SASANKA SEKHAR SANYAL:** Otherwise, Sir, the difficulty would be that the new division which may be created may not be of a standard of first class or of second class prisoners; it may even be lower than that of third class prisoners.

**Mr. SPEAKER:** But there is nothing as first class prisoners or second class prisoners.

**Mr. SASANKA SEKHAR SANYAL:** Yes, there is, Sir. There are Divisions I and II.

**Mr. SPEAKER:** They are not the same thing.

**Mr. SASANKA SEKHAR SANYAL:** Sir, your suggestion would make the language happy, but I want to make it happier by the introduction of a higher something which would indicate a better type.

**Mr. SPEAKER:** But the amendment does not make any mention of that.

**Mr. SASANKA SEKHAR SANYAL:** Sir, the words "first class" may be deleted. Let us have something that will indicate that the classification will be of a superior type as Division I.

**Mr. SPEAKER:** I take it that that is the whole meaning of this; otherwise, it has got no meaning. If Government want to do it in any other way, they can do so, but the meaning is obviously clear when you say "special class."

**Rai HARENDRA NATH CHAUDHURI:** In the original resolution there is mention of Division I. Sir, why will you not permit the introduction of "Division I" in the amendment?

**Mr. SASANKA SEKHAR SANYAL:** Sir, I would suggest a new special class similar to Division I.

**Mr. SPEAKER:** I will look into the thing later on. I do not want to prolong this debate to-day as I want to adjourn the House earlier so that it may be taken up next day.

**Mr. SASANKA SEKHAR SANYAL:** Sir, may I appeal to you not to adjourn the House very early, as you know the days on which non-official resolutions are taken up are few and far between.

**Mr. SPEAKER:** I have already fixed 7th of March for non-official resolutions. So you can devote the whole of that day to this resolution.

**Mr. SURENDRA NATH BISWAS:** Sir, I beg to move by way of amendment that Resolution No. 4 do take the following form, namely—

"This Assembly is of opinion that all prisoners in Bengal jails, whether detained or convicted under the Defence of India Rules or kept under trial or convicted for offences against the State under the Indian Penal Code be placed in Division I or that a new special Division similar to Division I be created for them and that rules be framed in respect of their ration, interviews, letter-writing, supply of books and newspapers and other reasonable amenities."

Sir, by my amendment I only want to add two more classes of political prisoners to the number which is contained in the main resolution. Sir, in the main resolution I find that Division I has been demanded for persons convicted in Bengal under the Defence of India Rules, but not for persons arrested and detained under those Rules. Besides, in the main resolution Division I has also been demanded for persons convicted under the Indian Penal Code for

offences against the State, but not for persons who are under trial for offences against the State. Sir, by my amendment I include these two classes of prisoners who have been excluded in the main resolution.

Now, Sir, why do I want this special Division or Division I for these poltical prisoners? From my personal knowledge I can tell this House that all these prisoners have been given different Divisions—Division I, Division II and Division III. The distinction has not been made simply on the ground of social status or style of living. I know that there have been many such prisoners who have been given Division III, although their social status and style of living are equal and similar to that of those who have got Division I and Division II. Sir, discrimination has been made for reasons best known to Government and those officers who have been authorised to allocate the Divisions. I do not find any reason for the distinction made between these political prisoners, I mean the distinction between one such prisoner and another such prisoner; because all of them are accused of or convicted for offences against the State and all these offences have got one common object and that is the object of winning independence for the mother country. Then, why has the distinction been made? Was it for the difference that may be noticed in the method of fight to win independence for the country, namely, the difference between the non-violent method and the violent method? Sir, that should not or could not have been the cause of such distinction. The Britishers, whose representatives are ruling the destinies of this country, do not claim that the fight for independence shall be non-violent, because they have laughed at Mahatma Gandhi for preaching non-violence. Anyway, the political prisoners who were convicted for violent acts have stated publicly that they have no longer any faith in the method of violence. Therefore, the only cause of distinction that might have been previously urged has now been removed. Then, Sir, after that has been removed, why should there be any difference now between one such prisoner and another? They are all prisoners on political grounds and these poltical prisoners come from the same middle class. It may be that there are differences between the economic conditions of one family and another from which these prisoners come. But the economic condition should not be made an excuse for making this difference in respect of Divisions. Now, Sir, when that is the position, the question is whether the political prisoners as a class deserve a better and differential treatment. I say, Sir, they deserve a special treatment. Had it not been so, why is it that the Government of Bengal have framed special rules for the security prisoners of Bengal? Why is it that one of the pledges not only of the Krishak Proja Party but also of the Muslim League given at the time of the last general election was that they would release the political prisoners when and if they were placed in power? Why is it that

the Bengal Government released the detenus and not the other prisoners of all jails? Why is it that a special committee was appointed to release the political prisoners convicted under the Indian Penal Code? Why was Mahatma Gandhi's intervention desired to change the mentality of the political convicts? All these things go to show that they deserve a better and differential treatment at the hands of the Government.

Then again, Sir, every civilized Government should treat the political prisoners as a special class of prisoners unlike the ordinary criminals, because these prisoners are the political workers who are on many occasions responsible for the change of Government and when the Government change, these political prisoners take the reins of Government. Sir, Hitler, Franco and De Valera are living instances on the point. Before they got into power, they had been clapped up in jails for their political crimes. There is no denying the fact that it is upon the blood and ashes, sacrifices and the sufferings of such political prisoners that a new form of government has been ushered in many countries. It cannot also be denied that upon the blood and ashes, sacrifices and sufferings of the political workers of Bengal that we have got the present Reformed Constitution, as a result of which we find to-day the Hon'ble Ministers over there in the Treasury Bench. The edifice of the present Constitution of India has been built upon the foundation of the sufferings and sacrifices of our political workers alone Is it, therefore, meet and proper for the members of the Coalition Party and also of the Council of Ministers to be indifferent towards them when they have got the power? Should they forget the pledge which they had given at the time of the last general election, the pledge to release all the political prisoners of Bengal in consideration of the greatest contribution made by them for the ushering in of a democratic Constitution? It is a pity, therefore, that even though that party is still in power, a large number of our political workers are still rotting in jails. Not only are they rotting in jails, but the present ministry is not prepared even to distinguish them from the ordinary criminals and to treat them as special class prisoners. Sir, the special treatment which we want to be given to these prisoners is not a new demand nor a new concession. In so far back as 1921, political prisoners were all placed in special class. The Hon'ble Mr. Tamizuddin Khan who is not present here was also a political prisoner at that time. He could have borne me out that all the political prisoners were in that year placed in a special class. At first, the order for a special class was meant for only a few of the prisoners in accordance with their standard of living and their social status. But those prisoners who were granted a special class refused to accept the concession unless and until all the political prisoners were given that class, and the Hon'ble Mr. Tamizuddin Khan was one of those

who refused to accept the concession given. Thereafter, Government was compelled to issue an order placing all the political prisoners of 1921 in a special class. Sir, that was done by the old bureaucratic Government. Is it too much, Sir, to ask to-day of their own representatives who form the present ministry to give a special class similar to Division I or Division I itself to all political prisoners? May I request them to rise equal to the occasion and to consider that these political prisoners not only expected better treatment in the hands of the present Government, but release also? I am not asking for their release but better treatment for them, and I hope the Hon'ble Ministers and the members of the Coalition Party who owe their seats in the Cabinet as well as here to the sacrifices and sufferings of the political workers should consider the case of those amongst them who are now behind the prison-bars with sympathy and allot a special class to them—

**Mr. SPEAKER:** Order, order. Discussion on this resolution would be resumed on the 7th of March, 1941. The House stands adjourned till 10 a.m. to-morrow.

## Adjournment.

It being 7-20 p.m.—

The House was adjourned till 10 a.m. on Saturday, the 15th February, 1941, at the Assembly House, Calcutta.

B. G. Press—1940-41—12736A—700.

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B. G. Press—1941-42—3855A—695.